
Friday
June 28, 1996

Federal Register

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- WHAT:** Free public briefings (approximately 3 hours) to present:
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- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

[Two Sessions]

- WHEN:** July 9, 1996 at 9:00 am, and
July 23, 1996 at 9:00 am.
- WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



Contents

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

Agency for Health Care Policy and Research

NOTICES

Meetings:

Health Care Policy and Research Special Emphasis Panel, 33745

Agricultural Marketing Service

RULES

Sheep promotion, research, and information program, 33644–33646

Agriculture Department

See Agricultural Marketing Service

See Food and Consumer Service

See Forest Service

See Grain Inspection, Packers and Stockyards Administration

See National Agricultural Statistics Service

Alaska Power Administration

NOTICES

Wholesale power rates:

Eklutna Project, 33723

Antitrust Division

NOTICES

Competitive impact statements and proposed consent judgments:

American Skiing Co. et al., 33765–33774

National cooperative research notifications:

E&P Technology Cooperative, 33774

National Electronics Manufacturing Initiative, 33774–33775

Army Department

NOTICES

Environmental statements; availability, etc.:

Base realignment and closure—

1111th Signal Battalion et al.; relocation from Fort Ritchie, MD to Fort Detrick, MD, 33715–33716

Blind or Severely Disabled, Committee for Purchase From People Who Are

See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention

NOTICES

Grants and cooperative agreements; availability, etc.:

State pediatric nutrition surveillance system; development, 33745–33748

Tickborne diseases; emerging infections applied research, 33748–33750

Children and Families Administration

NOTICES

Agency information collection activities:

Proposed collection; comment request, 33750–33751

Submission for OMB review; comment request, 33751–33752

Coast Guard

RULES

Ports and waterways safety:

Hudson River, NY; safety zone, 33672–33673

Sandy Hook Bay, NJ; safety zone, 33671–33672

Regattas and marine parades:

Kentucky Drag Boat Association Races, 33670–33671

Technical amendments, 33660–33670

Commerce Department

See International Trade Administration

See Minority Business Development Agency

See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement list; additions and deletions, 33708–33711

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

Dominican Republic, 33792

United Arab Emirates, 33792–33793

Country of origin verification for textiles and textile products, 33792

Consumer Product Safety Commission

NOTICES

Meetings; Sunshine Act, 33715

Defense Department

See Army Department

Education Department

NOTICES

Grants and cooperative agreements; availability, etc.:

Magnet schools assistance-innovative programs, 33716–33717

Public charter schools program, 33717–33719

Employment and Training Administration

NOTICES

Federal-State unemployment compensation program:

Unemployment insurance program letters—

Federal unemployment insurance law interpretation; correction, 33799

Employment Standards Administration

NOTICES

Minimum wages for Federal and federally-assisted

construction; general wage determination decisions, 33775–33776

Energy Department

See Alaska Power Administration

See Federal Energy Regulatory Commission

NOTICES

Environmental statements; availability, etc.:

Surplus highly enriched uranium; disposition, 33719–33722

Meetings:

Environmental Management Site-Specific Advisory Board—
Los Alamos National Laboratory, 33722
Savannah River Site, 33722

Environmental Protection Agency**RULES****Acquisition regulations:**

Information Resources Management policies; electronic access, 33693–33694

Air pollutants, hazardous; national emission standards:

Petroleum refinery sources, new and existing; correction, 33799

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:

New Jersey, 33678–33680

Air quality implementation plans; approval and promulgation; various States:

Alaska, 33676–33678

Kentucky, 33674–33676

Equal employment opportunity requirements; contractor compliance; CFR part removed, 33673–33674**Hazardous waste:****Identification and listing—**

Recycled used oil, 33691–33693

Land disposal restrictions—

Decharacterized wastewaters, carbamate wastes, and spent potliners (Phase III); technical correction, 33680–33691

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Quizalofop-p ethyl ester; correction, 33799

PROPOSED RULES**Air programs; fuels and fuel additives:****Reformulated and conventional gasoline—**

World Trade Organization; decision concerning baseline used to determine imported gasoline requirements, 33703–33705

Air quality implementation plans; approval and promulgation; various States:

Alaska, 33703

Kentucky, 33702–33703

NOTICES**Agency information collection activities:**

Proposed collection; comment request, 33732–33734

Submission for OMB review; comment request, 33734–33735

Environmental statements; availability, etc.:**Agency statements—**

Comment availability, 33735

Weekly receipts, 33735–33736

Meetings:

Clean Air Act Advisory Committee, 33736–33737

Common sense initiative—

Printing sector, 33737

Good Neighbor Environmental Board, 33737

Urban Wet Weather Flows Advisory Committee, 33737–33738

Pesticide, food, and feed additive petitions:

Ciba-Geigy Corp. et al., 33738

Equal Employment Opportunity Commission**RULES****Recordkeeping and reporting requirements:**

Elementary-secondary staff information report (EEO-5); discontinuation, 33659–33660

Executive Office of the President

See Presidential Documents

Federal Aviation Administration**RULES****Airworthiness directives:**

Dornier, 33650–33651

Jetstream, 33647–33650

NOTICES**Agency information collection activities:**

Submission for OMB review; comment request, 33794

Weather observation service standards; policy statement; correction, 33800

Federal Communications Commission**NOTICES****Agency information collection activities:**

Proposed collection; comment request, 33738–33741

Submission for OMB review; comment request, 33741–33742

Rulemaking proceedings; petitions filed, granted, denied, etc., 33742

Federal Deposit Insurance Corporation**PROPOSED RULES**

Securities of nonmember insured banks, 33696–33702

NOTICES

Meetings; Sunshine Act, 33742

Federal Energy Regulatory Commission**NOTICES****Electric rate and corporate regulation filings:**

Entergy Power Marketing Corp. et al., 33725–33729

Environmental statements; availability, etc.:

Algonquin LNG, Inc., 33729–33730

Natural gas certificate filings:

Michigan Gas Storage Co. et al., 33730–33732

Applications, hearings, determinations, etc.:

Alliance Power Marketing, Inc., 33723

CNG Transmission Corp., 33723–33724

Family Fiber Connection, 33724

Northwest Power Marketing Co., L.L.C., 33724

Panhandle Eastern Pipe Line Co., 33724–33725

TransAlta Enterprises Corp., 33725

Federal Maritime Commission**NOTICES****Freight forwarder licenses:**

Excel International et al., 33742–33743

Federal Reserve System**NOTICES****Banks and bank holding companies:**

Change in bank control, 33743

Formations, acquisitions, and mergers, 33743–33744

Permissible nonbanking activities, 33744

Federal Trade Commission**RULES****Appliances, consumer; energy costs and consumption information in labeling and advertising:**

“EnergyGuide Label”; Canadian and Mexican labels placement in adjoining locale, 33651–33654

Fish and Wildlife Service**NOTICES****Endangered and threatened species:**

Recovery plans—

Palezone shiner, 33762

Food and Consumer Service**RULES**

Food stamp program:

Automated data processing equipment and services;
reporting requirements reduction, 33641–33644

Food and Drug Administration**RULES**

Food additives:

Aspartame, 33654–33656

Forest Service**NOTICES**

Meetings:

California Coast Province Advisory Committee, 33706

Grain Inspection, Packers and Stockyards Administration**NOTICES**

Agency designation actions:

Georgia et al., 33706

Illinois et al., 33706–33707

Health and Human Services Department

See Agency for Health Care Policy and Research

See Centers for Disease Control and Prevention

See Children and Families Administration

See Food and Drug Administration

See Health Care Financing Administration

See National Institutes of Health

NOTICES

Scientific misconduct findings; administrative actions:

Kumar, Vipin, Ph.D., 33744–33745

Health Care Financing Administration**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 33752

Housing and Urban Development Department**NOTICES**

Grant and cooperative agreement awards:

Capital improvement loan program, 33754–33756

Flexible subsidy capital improvement program, 33756–
33758

Housing assistance payments (Section 8)—

Loan management set-aside program, 33758–33761

Grants and cooperative agreements; availability, etc.:

Facilities to assist homeless—

Excess and surplus Federal property, 33761–33762

Indian Affairs Bureau**NOTICES**

Indian tribes; acknowledgement of existence
determinations, etc.:

Duwamish Tribal Organization, 33762–33764

Land and water:

Land acquisitions—

Mashantucket Pequot Indian Tribe, CT, 33764

Interior Department

See Fish and Wildlife Service

See Indian Affairs Bureau

See Land Management Bureau

See National Park Service

See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service**RULES**

Income taxes:

Intercompany transfer pricing and cost sharing
regulations

Correction, 33656–33657

Procedure and administration:

Taxpayer identifying numbers (TIN)

Correction, 33657

NOTICES

Agency information collection activities:

Proposed collection; comment request, 33797–33798

International Trade Administration**NOTICES**

Antidumping:

Antifriction bearings (other than tapered roller bearings)
and parts from—

Thailand, 33711–33714

Justice Department

See Antitrust Division

RULES

Technical amendments and corrections, 33657–33658

Labor Department

See Employment and Training Administration

See Employment Standards Administration

RULES

Work incentive programs for AFDC recipients under Social

Security Act Title IV; CFR part removed; Federal

regulatory reform, 33658–33659

Land Management Bureau**NOTICES**

Meetings:

Lower Snake River District Resource Advisory Council,
33764

Opening of public lands:

California, 33764

Realty actions; sales, leases, etc.:

Oregon, 33764–33765

Recreation management restrictions, etc.:

Teton County, MT; Ear Mountain Outstanding Natural
Area; seasonal closure of trails, 33765

Legal Services Corporation**NOTICES**

Meetings; Sunshine Act, 33776

Minority Business Development Agency**NOTICES**

Business development center program applications:

South Carolina, 33715

National Aeronautics and Space Administration**NOTICES**

Patent licenses; non-exclusive, exclusive, or partially
exclusive:

Containerless Processing, Inc., 33776

National Agricultural Statistics Service**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 33707–33708

National Institutes of Health**NOTICES**

Grants and cooperative agreements; availability, etc.:
Green fluorescent protein (GFP) technology applications
development, 33753–33754

Meetings:

National Cancer Institute, 33754
National Institute of Dental Research, 33754

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Domestic fisheries—

Block Island Sound, RI; closure withdrawn, 33694–
33695

Ocean and coastal resource management:

Coastal zone management program regulations; Federal
regulatory reform, 33802–33819

NOTICES**Meetings:**

Florida Keys National Marine Sanctuary Advisory
Council, 33715

National Park Service**NOTICES**

Environmental statements; availability, etc.:

Everglades National Park, FL; Miccosukee Tribe of
Indians of Florida; additional housing, 33765

Nuclear Regulatory Commission**NOTICES**

Environmental statements; availability, etc.:

Southern Nuclear Operating Co., Inc., 33781–33782

Meetings:

Reactor Safeguards Advisory Committee, 33783, 33783

Applications, hearings, determinations, etc.:

Petrochemicals Co., 33776–33777

Washington Public Power Supply System, 33777–33781

Postal Service**NOTICES**

Meetings; Sunshine Act, 33783–33784

Presidential Documents**PROCLAMATIONS**

Special observances:

Saudi Arabia, victims of the bombing (Proc. 6906), 33823

Public Health Service

See Agency for Health Care Policy and Research

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

Research and Special Programs Administration**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 33794–
33795

Securities and Exchange Commission**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 33784

Meetings; Sunshine Act, 33786

Self-regulatory organizations; proposed rule changes:

American Stock Exchange, Inc., 33786–33787

Chicago Board Options Exchange, Inc., 33787–33789

Philadelphia Stock Exchange, Inc., 33790–33791

Applications, hearings, determinations, etc.:

Nations Fund Trust et al., 33784–33786

Social Security Administration**NOTICES**

Privacy Act:

Systems of records, 33791–33792

Statistical Reporting Service

See National Agricultural Statistics Service

Surface Mining Reclamation and Enforcement Office**RULES**

Permanent program and abandoned mine land reclamation
plan submissions:

Illinois; correction, 33799

Surface Transportation Board**NOTICES**

Railroad services abandonment:

Consolidated Rail Corp., 33795–33796

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Research and Special Programs Administration

See Surface Transportation Board

Treasury Department

See Internal Revenue Service

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 33796,
33796

Separate Parts In This Issue**Part II**

Department of Commerce, National Oceanic and
Atmospheric Administration, 33802–33820

Part III

The President, 33823

Reader Aids

Additional information, including a list of public laws,
telephone numbers, reminders, and finding aids, appears in
the Reader Aids section at the end of this issue.

Electronic Bulletin Board

Free Electronic Bulletin Board service for Public Law
numbers, Federal Register finding aids, and a list of
documents on public inspection is available on 202–275–
1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR	174.....33660
Proclamations:	179.....33660
6906.....33823	181.....33660
7 CFR	183.....33660
272.....33641	187.....33660
277.....33641	40 CFR
1280.....33641	8.....33673
12 CFR	52 (3 documents)33674,
Proposed Rules:	33676, 3378
335.....33696	63.....33799
14 CFR	81.....33678
39 (3 documents)33646,	148.....33680
33647, 33650	186.....33799
15 CFR	268.....33680
923.....33802	279.....33691
926.....33802	Proposed Rules:
927.....33802	52 (2 documents)33702,
928.....33802	33703
932.....33802	80.....33703
933.....33802	48 CFR
16 CFR	1552.....33693
305.....33651	50 CFR
21 CFR	620.....33694
172.....33654	
26 CFR	
1.....33656	
301.....33657	
28 CFR	
0.....33657	
2.....33657	
32.....33657	
42.....33657	
46.....33657	
29 CFR	
56.....33658	
1602.....33659	
30 CFR	
913.....33799	
33 CFR	
1.....33660	
2.....33660	
5.....33660	
8.....33660	
19.....33660	
20.....33660	
26.....33660	
45.....33660	
51.....33660	
67.....33660	
81.....33660	
89.....33660	
100.....33670	
110.....33660	
114.....33660	
116.....33660	
117.....33660	
127.....33660	
140.....33660	
141.....33660	
144.....33660	
148.....33660	
151.....33660	
153.....33660	
154.....33660	
155.....33660	
156.....33660	
157.....33660	
158.....33660	
160.....33660	
164.....33660	
165 (2 documents)33660,	
33671	

Rules and Regulations

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Parts 272 and 277

[Am. No. 368]

RIN 0584-AB92

Food Stamp Program: Automated Data Processing Equipment and Services; Reduction in Reporting Requirements

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule.

SUMMARY: This rule: increases the cost thresholds above which prior written Federal approval is required for Federal financial participation in State automated data processing (ADP) equipment and services acquisitions; provides for State requests to be deemed to have provisionally met the prior approval requirement if the Food and Consumer Service (FCS) does not approve, disapprove, or request additional information about the request within 60 days of acknowledging receipt; and eliminates the requirement that State agencies submit a written summary pertaining to the State biennial system security reviews.

EFFECTIVE DATE: This rule is effective July 29, 1996.

FOR FURTHER INFORMATION CONTACT: John H. Knaus, Chief, Quality Control Branch, Program Accountability Division, Food Stamp Program, 3101 Park Center Drive, Room 904, Alexandria, Virginia 22302, (703) 305-2474.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rulemaking has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

The Food Stamp Program (FSP) is listed in the Catalog of Federal Domestic Assistance under 10.551 and information on State agency administrative matching grants for the FSP is listed under 10.561. For the reasons set forth in the final rule and related notice to 7 CFR part 3015, subpart v (48 FR 29115), the FSP is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "Effective Date" section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the FSP the administrative procedures are as follows: (1) For program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-QC liabilities) or Part 283 (for rules related to QC Liabilities); and (3) for program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Regulatory Flexibility Act

This rulemaking has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980, 5 U.S.C. 601-612). Ellen Haas, Under Secretary for Food, Nutrition, and Consumer Services, has certified that this rule does not have a significant economic impact on a substantial number of small entities. This rule will affect State agencies by reducing the reporting requirements applicable to them.

Paperwork Reduction Act

We anticipate this rule could reduce the actual reporting burden by twenty percent or more. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FCS solicited comment through an April 1, 1996 publication in the Federal Register (61 FR 14288) of a notice on the information collection requirements relating to automated data processing and information retrieval systems. The comment period closed May 31, 1996. There were no comments on the portion of the reporting burden that this rule concerns. The proposed collection will be submitted to OMB for review and at that time the Department will publish a notice which will provide an additional opportunity to comment.

Background

On July 31, 1995, the Department of Agriculture (the Department) published in the Federal Register a Notice of Proposed Rulemaking which proposed changes to the Advance Planning Document (APD) process (60 FR 38,972 (1995)). There was a sixty-day comment period, which ended September 29, 1995. The Department received six comment letters on the proposed rule. Commenters represented the States of California, Louisiana, North Carolina, Pennsylvania and Texas and the National Association of State Human Services Finance Officers. Commenters expressed agreement with the proposed rule's objective to reduce reporting requirements. Two commenters supported the rule changes with no additional comment. One commenter was positive about the changes but had technical questions about their application. The three remaining commenters, while positive about the direction of the rule changes, felt FCS should take further action to reduce the reporting requirements.

Increased APD Prior Approval Cost Thresholds - 7 CFR 277.18(c)

The Department proposed to increase the cost thresholds for prior approval of APDs from \$500,000 to \$5 million or more in State and Federal costs for both competitive and noncompetitive acquisitions. Noncompetitive acquisitions from a non-governmental source that have total State and Federal acquisition costs of more than \$1 million but no more than \$5 million would need prior approval of the

justification for the sole source purchase. The previous threshold for such acquisitions was \$100,000. Three commenters thought the proposed increases were too small to reduce the reporting burden for their States. Two recommended that thresholds be scaled according to the total or client populations of a State. One commenter recommended that thresholds be raised to \$25 million for larger States; another recommended an increase to \$30 million. The theory behind these comments was that relatively minor projects in larger States, because of their costs, would receive disproportionate Federal attention and require continued reporting.

The Department is attempting to achieve a reasonable balance between greater State flexibility and prudent oversight of Federal investments. The thresholds were increased ten-fold in the proposed rule. While automation projects costing from \$5 million to \$25 million or \$30 million may not always be critical projects in larger States, they represent sizeable investments of Federal money. Introduction of a sliding scale for thresholds according to State population or caseload introduces an unnecessary complication to the APD process. At this time the Department believes a reasonable balance has been proposed. However, the Department will continue efforts to further streamline the APD process. After some experience with the new thresholds, further increases in or changes to the thresholds can be considered.

One commenter suggested that the Department limit its review of State ADP acquisitions to new development and that standard upgrades of existing equipment, replacement of obsolete or depreciated equipment, and normal growth (equipment for new staff) be exempt from Federal review. This commenter asserted there was rarely doubt as to the eventual approval of most of these requests and this action would permit further Federal focus on new automation initiatives. The Department is responsible for overseeing Federal investments and ensuring Federal requirements are met. At this time the Department believes these acquisitions, when in excess of the proposed thresholds, should receive continued Federal oversight. However, this suggestion will be part of considerations in continuing efforts to streamline the APD process and provide reporting relief to State agencies.

One commenter proposed that electronic benefit transfer (EBT) systems be subject to the higher APD thresholds. However, given the critical stage of development of a large number of EBT

projects, the Department believes it is in the mutual interest of States and the Federal government to continue reviewing EBT projects under standards that are specific to them.

Finally, one commenter wanted to know whether an APD would need to be submitted for a project if it unexpectedly exceeds the threshold at some point during its development or during its life cycle through enhancements. The proposed rule did not affect existing policy for underestimated projects. When State officials first realize that a project under development is likely to exceed the threshold, an APD should be submitted. After system implementation is complete, future enhancements during the system life cycle would need prior approval if their costs will exceed the threshold.

Reviews of Requests for Proposals (RFPs), Contracts and Contract Amendments—7 CFR 277.18(c)(2)(ii)

The Department proposed to increase thresholds for prior approval of RFPs and Contracts to \$5 million or more for competitive procurements and to more than \$1 million for non-competitive procurements. The proposed rule also would increase the threshold for prior Federal approval for contract amendments to those involving cost increases greater than \$1 million or contract time extensions of more than 120 days. FCS could review Requests for Proposals (RFPs), contracts and contract amendments under the threshold amounts on an exception basis or if the procurement was not adequately described in the APD.

Two commenters recommended that RFPs, contracts and contract amendments no longer be subject to review. According to one commenter, Federal review of these documents causes delays, duplicates State processes and represents Federal micro-management of State projects. The other commenter recommended elimination of these reviews since RFPs and contracts would have been already justified by an approved APD. While the Department substantially increased the thresholds for submitting these documents, the approval of RFPs, contracts and contract amendments was not eliminated. The Department is responsible for ensuring that Federal requirements are met for ADP acquisitions. Although an approved APD may provide for the eventual release of an RFP and signing of a contract, these documents are not necessarily identical in content and legal significance. Prior approval for these documents will be retained in the

final rule. However, the Department will reexamine these recommendations in upcoming efforts to further streamline the APD process and reduce State reporting requirements.

Two commenters believe the proposed rule is unclear about when RFPs, contracts and contract amendments which fall under the thresholds for submitting these documents will need prior approval. These commenters thought the rule could require States to submit RFPs, contracts or contract amendments when the ADP equipment or services acquisition did not need prior approval of either an APD or the sole source justification. The proposed rule did not change FCS' ongoing policy of subjecting these documents to review only if prior approval of the ADP acquisition was required in accordance with § 277.18(c)(1). As provided by § 277.18(c)(2)(ii), FCS will require prior approval of RFPs, contracts and contract amendments only if prior approval of an APD or the justification for a sole source procurement was required. Prior approval for RFPs, contracts and contract amendments under the applicable thresholds would be reviewed on an exception basis (such as if innovative automation is used) or if the procurement strategy was not adequately described or justified in the APD. If approval of these documents is needed, and they are under the thresholds, FCS will notify States to submit them. No substantive changes are made to the provisions at § 277.18(c)(2)(ii) (A), (B) or (C). However, wording in the provisions will be modified in the final rule to make the language more similar to language in DHHS' rule. The word "justified" is added to (A) and (B) and the word "described" is added to part (C).

Prompt Action on Requests for Prior Approval—7 CFR 277.18(c)(5)

Two commenters asked about the meaning of provisional approval, whether this approval could be withdrawn, and under what circumstances. One commenter wanted to know whether interest would be charged if a project was denied funding after it was begun. Provisional approval permits States to go forward with their automation projects after the Federal time-limit expires without penalty for not receiving prior Federal approval. Under previous policy, a project could be denied full funding if it was begun before Federal approval was received. However, provisional approval is distinct from formal approval and does not waive Federal requirements for these acquisitions. FCS' practice has

been not to establish claims if a State has acted in good faith. In the event FCS determines that the actions taken by the State are not approvable, notification in writing is provided, and funding approval is suspended pending corrective action. The State would be at financial risk if the State continues to draw funds for these charges after this notification. A claim would be established for funds drawn after the suspension and the State would again be notified in writing of the disallowance for all funds improperly drawn and any interest accrued on those funds. These charges would not be eligible for reimbursement by FCS. If FCS determines that the planned project does not meet the requirements for approval, no further funding would be approved and all approval action would be terminated.

One commenter was concerned that the date starting the count of the sixty-day Federal time-limit for responding to State requests is the date of the Department's acknowledgement letter. This commenter suggested the Department could delay State projects by delaying the mailing of the acknowledgement letter. The Department intends to acknowledge State requests promptly. If State agencies believe acknowledgement of their requests have been purposely delayed, a complaint should be filed with the appropriate FCS Regional Administrator.

APD Update (APDU)—7 CFR 277.18(e)

The Department proposed to raise the reporting threshold for submitting an annual APD Update (APDU) from \$1 million to \$5 million. The threshold for submittal of an APDU as needed was proposed for increases of \$1 million or more. The previous threshold was \$300,000 or 10 percent of the project cost, whichever is less.

According to two commenters, the threshold for annual APD updates is still too low to give their States reporting relief. These commenters recommended increases to \$25 million and \$30 million respectively. One commenter thought this increase was necessary since EBT projects will increase the amount of annual APD reporting required. In addition, one commenter thought the threshold for as needed APDUs should be raised from \$1 million or more to \$2.5 million or 10 percent, whichever is more. The Department believes a reasonable threshold increase for submittal of annual APDUs and the as needed APDUs is embodied in the proposed regulation. Since the thresholds for APDUs do not apply to EBT systems,

these provisions will not affect annual reporting for EBT systems. The thresholds for submitting APDUs will become final as proposed. However, APDU requirements will be reexamined in upcoming streamlining efforts.

Biennial System Security Reviews—7 CFR 277.18(p)(3)

The proposed rule eliminated the requirement that States submit summary information about the biennial ADP system security review to FCS. Instead, States are to retain copies of these reports and other pertinent supporting documentation for Federal on-site review. One commenter asked how long the biennial security review report should be kept by the State, who would be conducting reviews of these materials and how often they would be reviewed. States should keep a copy of their latest biennial security review report and pertinent supporting documentation (such as a summary of findings regarding compliance with security requirements and the corrective action plan with dated milestones) on file for Federal review. State record retention requirements would apply to these documents. FCS or agents acting on FCS' behalf will examine State security review reports on a periodic basis, as needed.

Miscellaneous

The Department is making a minor technical change to the section heading of § 277.18 by replacing the word "Automatic" with the word "Automated." This change is being made to make word usage in the section heading consistent with word usage in the rule's text.

Implementation—272.1(g)

All provisions in this final rule become effective July 29, 1996.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 277

Food stamps, Government procedure, Grant programs—social programs, Investigations, Records, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 272 and 277 are amended as follows:

1. The authority citation for parts 272 and 277 continues to read as follows:

Authority: 7 U.S.C. 2011–2032

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (g)(146) is added to read as follows:

272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(146) Amendment No. 368. The provisions of Amendment No. 368 are effective on July 29, 1996.

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

3. In § 277.18,

a. The section heading is amended by removing the word "Automatic" and adding in its place the word "Automated";

b. Paragraph (c)(1) is revised;

c. The second sentence in paragraph (c)(2)(ii)(A) is removed and two sentences are added in its place;

d. The second sentence in paragraph (c)(2)(ii)(B) is removed and two sentences are added in its place;

e. The second sentence in paragraph (c)(2)(ii)(C) is removed and two sentences are added in its place;

f. Paragraph (c)(5) is added;

g. Paragraph (e)(1) is amended by removing the words "\$1 million" and adding in their place the words "\$5 million";

h. Paragraph (e)(3)(i) is amended by removing the words "(\$300,000 or 10 percent, whichever is less)" and adding in their place the words "(\$1 million or more)";

i. The third and fourth sentences of paragraph (p)(3) are removed and one sentence is added in their place. The revision and additions read as follows:

§ 277.18 Establishment of an Automated Data Processing (ADP) and Information Retrieval System.

* * * * *

(c) General acquisition

requirements.—(1) Requirement for prior FCS approval. A State agency shall obtain prior written approval from FCS as specified in paragraph (c)(2) of this section when it plans to acquire ADP equipment or services with proposed FFP that it anticipates will have total acquisition costs of \$5 million or more in Federal and State funds. This applies to both competitively bid and sole source acquisitions. A State agency shall also obtain prior written approval from FCS of its justification for a sole source acquisition when it plans to acquire ADP equipment or services non-competitively from a nongovernmental source which has a total State and Federal acquisition cost of more than \$1

million but no more than \$5 million. The State agency shall request prior FCS approval by submitting the Planning APD, the Implementation APD or the justification for the sole source acquisition signed by the appropriate State official to the FCS Regional Office. However, a State agency shall obtain prior written approval from FCS for the acquisition of ADP equipment or services to be utilized in an EBT system regardless of the cost of the acquisition.

(2) *Specific prior approval requirements.* * * *

(ii) * * *

(A) * * * However, RFPs costing up to \$5 million for competitive procurements and up to \$1 million for noncompetitive acquisitions from non-governmental sources and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit RFPs under this threshold amount on an exception basis or if the procurement strategy is not adequately described and justified in an APD. * * *

(B) * * * However, contracts costing up to \$5 million for competitive procurements and up to \$1 million for noncompetitive acquisitions from nongovernmental sources, and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit contracts under this threshold amount on an exception basis or if the procurement strategy is not adequately described and justified in an APD. * * *

(C) * * * However, contract amendments involving cost increases of up to \$1 million or time extensions of up to 120 days, and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit contract amendments under these threshold amounts on an exception basis or if the contract amendment is not adequately described and justified in an APD. * * *

* * * * *

(5) *Prompt action on requests for prior approval.* FCS will reply promptly to State requests for prior approval. If FCS has not provided written approval, disapproval or a request for additional information within 60 days of FCS' letter acknowledging receipt of the State's request, the request will be deemed to have provisionally met the prior approval requirement in paragraph (c) of this section. However, provisional approval will not exempt a State from having to meet all other Federal requirements which pertain to the acquisition of ADP equipment and

services. Such requirements remain subject to Federal audit and review.

* * * * *

(p) * * *

(3) * * * State agencies shall maintain reports of their biennial ADP system security reviews, together with pertinent supporting documentation, for Federal on-site review.

* * * * *

Dated: June 24, 1996.

Ellen Haas,

Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 96-16596 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-30-P

Agricultural Marketing Service

7 CFR Part 1280

[Docket Number LS-96-004]

Sheep Promotion, Research, and Information Program

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Final rule.

SUMMARY: This rule suspends indefinitely provisions of the Order and the Certification and Nomination Regulations, and postpones indefinitely the announced effective date of July 1, 1996, for assessment collection in the Rules and Regulations, and the assessment provisions of the Order. The Department of Agriculture (Department) conducted a review and evaluated the conduct and results of the February 6, 1996, nationwide sheep referendum. The Department discovered inconsistencies in the application of the referendum rules, and this action is the result of the discovery of these inconsistencies. A second nationwide referendum will be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products on a date to be announced by the Department.

EFFECTIVE DATE: This document is effective June 29, 1996.

The effective date of July 1, 1996 for Subpart A, §§ 1280.224 through 1280.228 in Subpart A, and Subpart B, §§ 1280.301 through 1280.318 is postponed indefinitely.

Additionally, in Subpart A, §§ 1280.101 through 1280.126, §§ 1280.201 through 1280.223, §§ 1280.229 through 1280.235 and §§ 1280.240 through 1280.246, and Subpart C, §§ 1280.400 through 1280.414 are suspended indefinitely.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing

Programs Branch, Room 2606-S; Livestock and Seed Division, AMS, USDA; PO Box 96456, Washington, DC 20090-6456. Telephone number 202/720-1115.

SUPPLEMENTARY INFORMATION: Prior documents: Notice—Invitation to submit proposals published January 4, 1995 (60 FR 381); Proposed Rule—Sheep and Wool Promotion, Research, Education, and Information Order published June 2, 1995 (60 FR 28747); Proposed Rule—Procedures for Conduct of Referendum published August 8, 1995 (60 FR 40313); Notice—Certification of Organizations for Eligibility to Make Nominations to the Proposed Board published August 8, 1995 (60 FR 40343); Proposed Rule—Rules and Regulations published October 3, 1995 (60 FR 51737); Proposed Rule—Sheep and Wool Promotion, Research, Education, and Information Order published December 5, 1995 (60 FR 62298); Final Rule and Referendum Order—Procedures for the Conduct of Referendum published December 15, 1995 (60 FR 64297); Final Rule—Sheep and Wool Promotion, Research, Education, and Information Order published May 2, 1996 (61 FR 19514); Final Rule—Rules and Regulations published May 9, 1996, (61 FR 21053); and Final Rule—Certification and Nomination Procedures published May 9, 1996 (61 FR 21049).

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act and the Paperwork Reduction Act

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule was reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Sheep Promotion, Research, and Information Act of 1994 (Act (7 U.S.C. 7101-7111)) provides that any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law, and requesting a modification of the Order or an exemption from certain provisions or obligations of the Order. The petitioner would have the opportunity for a hearing on the petition. Thereafter the Secretary would issue a decision on the petition. The Act

provides that the district court of the United States in the district in which the petitioner resides or carries on business has jurisdiction to review the Secretary's decision, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the decision. The petitioner must exhaust his or her administrative remedies before filing such a complaint in the district court.

The information collection requirements contained in the provisions of the Order and the Rules and Regulations have been previously approved by OMB under OMB control number 0581-0093.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service (AMS) has considered the economic impact of this final action on small entities.

The purpose of RFA is to fit regulatory actions to the scale of the businesses that are subject to such actions so that small businesses would not be unduly or disproportionately burdened.

According to the January 27, 1995, issue of "Sheep and Goats," published by the Department's National Agricultural Statistics Service, there are approximately 87,350 sheep operations in the United States, nearly all of which would be classified as small businesses under the criteria established by the Small Business Administration (13 CFR § 121.601). Additionally, there are approximately 9,000 importers of sheep and sheep products, nearly all of which would be classified as small businesses.

The final Order would require that each person who makes payment to a sheep producer, feeder, or handler of sheep or sheep products will be a collecting person, and is to collect an assessment from that sheep producer, feeder, or handler of sheep or sheep products. Any person who buys domestic live sheep or greasy wool for processing would also collect the assessment and remit it to the Board. Each person who processes or causes to be processed sheep or sheep products of that person's own production and who markets the processed products would pay an assessment and remit the assessment to the National Sheep Promotion, Research, and Information Board (Board). Any person who exports live sheep or greasy wool would be required to remit an assessment to the Board. Finally, each person who imports into the United States sheep, sheep products, wool, or wool products, other than raw wool, would pay an assessment. The U.S. Customs Service (Customs) would collect the

assessments on imported sheep and sheep products (except raw wool) and forward them to AMS for disbursement to the Board.

The rate of assessment on domestic sheep producers, feeders, and exporters of live sheep and greasy wool would be 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers would be assessed 1 cent per pound on live sheep and the equivalent of 1 cent per pound of live sheep for sheep products and 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products. Imported raw wool would be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production and markets the processed products would be assessed the equivalent of 1 cent per pound of live sheep sold and 2 cents per pound of greasy wool sold. All assessment rates could be adjusted in accordance with the applicable provisions of the Act.

This action suspends or postpones the effective date of these provisions. Therefore, except for the referendum rules, the imposition of program requirements, including collection of assessments and reporting and recordkeeping requirements, will be either suspended or postponed. A second nationwide referendum will be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products on a date to be announced by the Department. Accordingly, AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Background

The Act, enacted October 22, 1994, authorizes the Secretary to establish a national sheep and wool promotion, research, education, and information program. The program would be funded by a mandatory assessment on domestic sheep producers, sheep feeders, and exporters of live sheep and greasy wool of 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers would be assessed 1 cent per pound on live sheep imported and the equivalent of 1 cent per pound of live sheep for sheep products imported and 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products imported. Imported raw wool would be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production, and who markets the processed products, would be assessed the equivalent of 1 cent per

pound of live sheep sold and 2 cents per pound of greasy wool sold. All assessment rates may be adjusted in accordance with applicable provisions of the Act.

AMS published the final Order (61 FR 19514) on May 2, 1996, to implement a national sheep and wool, promotion, research, education, and information program designed to strengthen the position of sheep and sheep products in the marketplace, as provided for under the Act. The effective date of the Order was May 3, 1996, except that the collection and remittance sections of the Order—§ 1280.224–§ 1280.228—were scheduled to become effective on July 1, 1996. The final Rules and Regulations (61 FR 21053), which set forth the collection and remittance procedures to be used beginning July 1, 1996, and the Certification and Nomination procedures (61 FR 21049; effective May 10, 1996), which outline the eligibility criteria and the nomination process used to obtain nominations for appointment to the Board, which would administer the program, were both published on May 9, 1996.

As required by the Act, the Department conducted an up-front referendum among eligible domestic sheep producers and sheep feeders, as well as importers of sheep and sheep products, to determine if the Order, which was the subject of the referendum, would become operational. To become effective, the Order had to be approved either by a majority of producers, feeders, and importers voting in the referendum, or by voters who accounted for at least two-thirds of the production represented by persons voting in the referendum. Of the 19,801 valid ballots cast in the February 6, 1996, referendum, 10,707 (54 percent) favored implementation of the Order and 9,094 (46 percent) opposed implementation of the Order. Although the 54 percent who approved the Order accounted for only 40 percent of the sheep voted, the majority vote was sufficient to implement the Order. Steps to implement the Order were carried out.

After the referendum was held; however, the Department received a substantial number of voter complaints about alleged inconsistencies in the application of the referendum rules in conducting the referendum. The Department initiated a review of these allegations. Based on findings in the ongoing review, which revealed that the referendum rules were in fact applied inconsistently, the Department is suspending indefinitely provisions of the Order and the Certification and Nomination Regulations, and is

postponing indefinitely the original July 1, 1996, effective date for the Order provisions and the Rules and Regulations concerning the collection and remittance of assessments. Also, the Department plans to conduct a second nationwide referendum among eligible producers, feeders, and importers on a date to be announced.

It is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this action into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication, because: (1) producers, feeders, importers of sheep and sheep products, and other collecting persons are aware of this action because it was announced in a press release issued by the Secretary on May 17, 1996; (2) this action postpones the imposition of regulatory requirements on producers, feeders, and importers by suspending the provisions of the Order and the certification and nomination procedures, and by postponing indefinitely the effective date for the Order provisions and the Rules and Regulations for the collection and remittance of assessments; and (3) no useful purpose would be served by delaying this action.

Therefore, (1) the effective date of July 1, 1996, for the Rules and Regulations governing the assessment collection and remittance procedures, published on May 9, 1996, at 61 FR 21053, and for § 1280.224–§ 1280.228 of the Order published on May 2, 1996, at 61 FR 19514, is postponed indefinitely, and (2) all sections of the Order, except § 1280.224–§ 1280.228, published on May 2, 1996, at 61 FR 19514, and all sections of the Certification and Nomination Regulations published on May 9, 1996, at 61 FR 21049 are being suspended indefinitely.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1280 is amended as follows:

PART 1280—SHEEP PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for Part 1280 continues to read as follows:

Authority: 7 U.S.C. 7101–7111.

2. In part 1280:

(A) The effective date of July 1, 1996 for §§ 1280.224 through 1280.228 in Subpart A, is postponed indefinitely, and in Subpart A, § 1280.101 through § 1280.126, §§ 1280.201 through 1280.223, §§ 1280.229 through 1280.235 and §§ 1280.240 through 1280.246, is suspended indefinitely;

(B) The effective date of July 1, 1996 for Subpart B, §§ 1280.301 through 1280.318, is postponed indefinitely; and

(C) Subpart C, §§ 1280.400 through 1280.414, is suspended indefinitely.

Dated: June 25, 1996.

James R. Baker,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16578 Filed 6–27–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–159–AD; Amendment 39–9678; AD 96–13–10]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that requires modification of the existing diaphragms on the surround structure of the Type II emergency exit. This amendment is prompted by a report indicating that, during fatigue tests on a Model 4101 test article, fatigue-related cracking was found in the surround structure of a Type II emergency exit. The actions specified by this AD are intended to prevent such cracking in the surround structure, which could result in reduced structural integrity of the fuselage pressure vessel.

DATES: Effective August 2, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from A.I.R. American Support, Inc., 13850 McLaren Road, Herndon, Virginia 22071. This information may be examined at the Federal Aviation Administration (FAA), Transport

Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 airplanes was published in the Federal Register on January 19, 1996 (61 FR 1300). That action proposed to require modification of the existing diaphragms on the surround structure of the Type II emergency exit.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposal.

Request to Revise Applicability of Proposal

One commenter requests that the applicability of the proposed rule be revised to eliminate airplanes on which the modification of the surround structure was accomplished during production.

The FAA concurs. Since issuance of the notice, Jetstream has issued Revision 1 of Service Bulletin J41–53–014, dated February 9, 1996. In its technical content, this revision is essentially identical to the original issue (which was referenced in the notice as the appropriate source for service information). However, the effectivity listing of Revision 1 specifies only those airplanes on which the modification was not accomplished during production. Those airplanes have serial numbers 41004 through 41044, inclusive; the modification was installed during production on airplanes beginning with serial number 41045.

Accordingly, the FAA has revised the final rule to make it applicable only to airplanes having serial numbers 41004 through 41044, inclusive. Additionally, the FAA has revised the final rule to reference Revision 1 of the Jetstream service bulletin as an additional source of service information.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 41 Jetstream Model 4101 airplanes of the affected design in the worldwide fleet. The FAA estimates that 19 airplanes of U.S. registry will be affected by this AD, that it will take approximately 35 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$39,900, or \$2,100 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that at least 5 airplanes of U.S. registry already have been modified; therefore, the future cost impact of this AD is reduced by at least \$10,500.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules

Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-13-10 Jetstream Aircraft Limited:

Amendment 39-9678. Docket 95-NM-159-AD.

Applicability: Model 4101 airplanes; having serial numbers 41004 through 41044, inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue-related cracking in the surround structure of the Type II emergency exit, which could result in reduced structural integrity of the fuselage pressure vessel, accomplish the following:

(a) Prior to the accumulation of 7,200 total landings, or within 1,400 landings after the effective date of this AD, whichever occurs later, modify the existing diaphragms on the surround structure of the Type II emergency exit in accordance with Jetstream Service Bulletin J41-53-014, dated July 24, 1995; or Revision 1, dated February 9, 1996.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Jetstream Service Bulletin J41-53-014, dated July 24, 1995; or Jetstream Service Bulletin J41-53-014, Revision 1, dated February 9, 1996, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3	1	Feb. 9, 1996.
2, 4-13	Original	July 24, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 14 CFR part 51. Copies may be obtained from A.I.R. American Support, Inc., 13850 McLaren Road, Herndon, Virginia 22071. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 2, 1996.

Issued in Renton, Washington, on June 17, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-15956 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 96-NM-129-AD; Amendment 39-9677; AD 96-13-09]

RIN 2120-AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Jetstream Model 4101

airplanes. This action requires a review of maintenance records to determine the time-in-service (TIS) of the bearings in the starter/generators of both engines. This action also establishes a new TIS limit for the bearings, and requires replacement of the starter/generator unit with a serviceable unit, if necessary. This amendment is prompted by reports of controlled in-flight engine shutdowns resulting from failure of the bearings in the starter/generator unit. The actions specified in this AD are intended to prevent such failure of the bearings of the starter/generator, which could cause severe vibrations and resultant in-flight shutdown of one or both engines.

DATES: Effective July 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

Comments for inclusion in the Rules Docket must be received on or before August 27, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-129-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P. O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Jetstream Model 4101 airplanes. The CAA advises that it has received reports of controlled in-flight engine shutdowns. Investigation has revealed that the bearings of the direct current (DC) starter/generator failed, which resulted in severe vibration. The bearing failures that resulted in engine shutdown occurred at 409, 433, and 470 hours time-in-service (TIS). These conditions, if not corrected, could result in an in-flight engine shutdown.

Explanation of Relevant Service Information

Jetstream has issued Alert Service Bulletin J41-A24-036, dated February 26, 1996, which describes procedures for reviewing the airplane maintenance records to determine the number of hours TIS that the bearings of the DC starter/generator have accumulated. The alert service bulletin also describes procedures to remove and replace the starter/generator units with serviceable units when the bearings have reached a certain (reduced) TIS limit. Such replacement of one of the starter/generator units (per airplane) when the bearings have reached a certain reduced TIS limit, reduces the possibility of the bearings failing in both of the starter/generator units on any one airplane during the same flight. The CAA classified this service bulletin as mandatory and issued United Kingdom airworthiness directive 002-02-96, dated March 1, 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent in-flight engine shutdown of both engines on the same flight due to failure of the bearings of the starter/generators of the engines and resultant severe vibration. This AD requires a review of maintenance records to determine the TIS of the bearings in the starter/generators of both engines. This action also establishes a new TIS limit for the bearings in one of the two starter/generator units on each airplane, and requires replacement of the unit with a serviceable unit. The actions are required to be accomplished in

accordance with the service bulletin described previously.

Differences Between Service Bulletin and AD

Operators should note that the requirements of this AD differ from certain TIS recommendations in the referenced alert service bulletin. Specifically, this AD establishes a new limit of 300 hours TIS for the bearings of one of the starter/generators of each airplane, rather than specifying replacement of the unit when 300 hours "remain" on the unit before scheduled bearing replacement, as indicated in the alert service bulletin. The FAA considers that replacement of a unit with 300 hours "remaining" on the unit could permit a unit to operate significantly longer than 300 hours TIS if the TIS limit for the unit had previously been extended. The FAA finds that specifying a 300-hour TIS limit for the bearings of one of the starter/generator units per airplane will ensure that, at no one time, will an airplane be operating with both starter/generator units having more than 300 hours TIS on the bearings. A review of starter/generator unit failure reports and consideration of probability of failure requirements in the type certification basis for Jetstream Model 4101 airplanes support the establishment of a 300-hour TIS limit for the bearings of one of the starter/generator units on each airplane. This limit will ensure an acceptable level of safety, as related to continued availability of power from both engines on Jetstream Model 4101 airplanes. Additionally, the manufacturer has notified the FAA that the availability of ample parts may be a problem should the AD require both starter/generator units to be replaced if their bearings exceed the TIS limit. The FAA has determined that limiting the bearings to 300 hours TIS on at least one of the starter/generator units on the airplane provides an adequate level of safety; therefore, this AD establishes a 300-hour TIS limit for the bearings of only one of the two starter/generator units of the airplane.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once the modification is developed, approved, and available, the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this

regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-129-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation

that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-13-09 Jetstream Aircraft Limited: Amendment 39-9677. Docket 96-NM-129-AD.

Applicability: All Model 4101 airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent severe vibration of one or both engines, which could cause in-flight engine shutdown, accomplish the following:

(a) Within 7 days after the effective date of this AD, review the airplane maintenance records to determine the hours time-in-service (TIS) accumulated on the bearings in the starter/generator units of both engines, in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996.

(1) If the bearings on both of the starter/generator units have accumulated 300 or more hours TIS: Prior to further flight, replace at least one of the starter/generator units with a unit having bearings with less than 300 hours TIS, in accordance with the alert service bulletin.

(2) If the bearings on one or both starter/generator units have bearings with less than 300 hours TIS: Prior to the accumulation of 300 hours TIS on the bearings on both starter/generator units, remove at least one of the units and replace it with a unit having bearings with less than 300 hours TIS, in accordance with the alert service bulletin.

(b) As a continuing requirement thereafter: Prior to the accumulation of 300 hours TIS on the bearings on both of the starter/generator units on the airplane, remove at least one of the units and replace it with a unit having bearings with less than 300 hours TIS, in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on June 17, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-15954 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 95-NM-231-AD; Amendment 39-9681; AD 96-13-12]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires replacement of a bus power control unit (BPCU) and two generator control units (GCU) with new improved units. This amendment is prompted by results of the manufacturer's re-certification and laboratory testing of a BPCU, which revealed abnormal functions of the BPCU and the GCU. The actions specified by this AD are intended to prevent such abnormal functions, which could result in electrical short circuits in the electrical power distribution systems and a subsequent fire.

DATES: Effective August 2, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was

published in the Federal Register on April 4, 1996 (61 FR 15000). That action proposed to require replacement of the generator control units (GCU's) 2PC and 12PC with new improved units having part number 118-000-1. The AD also will require replacement of the bus power control unit (BPCU) 20PC with a new improved unit having part number 106-000-3.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 12 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. The manufacturer will provide required parts at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$720, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-13-12 Dornier: Amendment 39-9681. Docket 95-NM-231-AD.

Applicability: Model 328-100 series airplanes having serial numbers 3005 through 3024 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent abnormal functions of the bus power control units and the generator control units, which could result in electrical short circuits in the electrical power distribution systems and a subsequent fire, accomplish the following:

(a) Within 3 months after the effective date of this AD, perform the requirements of paragraph (a)(1) and (a)(2) of this AD, in accordance with Dornier Service Bulletin SB-328-24-061, Revision 1, dated November 3, 1994.

(1) Remove the generator control units 2PC and 12PC and replace them with new improved units having part number 118-000-1. And,

(2) Remove bus power control unit 20PC and replace it with a new improved unit having part number 106-000-3.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The removals and replacements shall be done in accordance with Dornier Service Bulletin SB-328-24-061, Revision 1, dated November 3, 1994, which contains the following effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3	1	Nov. 3, 1994.
2	Original	Oct. 14, 1994.

This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 8, 1996.

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-16245 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") issues final amendments to the Appliance Labeling Rule ("the Rule") to permit the placement of energy use labels required by the Canadian and Mexican governments in a location "directly adjoining" the Rule's required "EnergyGuide" label. Previously the Rule prohibited the affixation of non-required information "on or directly adjoining" the EnergyGuide. The relaxation of this prohibition will further the goal of the North American Free Trade Agreement ("NAFTA") to make compatible the standards-related measures of the signatories to facilitate trade in a good or service among the parties. Moreover, the amendment will result in considerable savings for the appliance manufacturing industry.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT:

James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202-326-3035).

SUPPLEMENTARY INFORMATION:

I. Background

A. The Request by Whirlpool

In July, 1995, the Whirlpool Corporation ("Whirlpool") requested permission to use hang tag EnergyGuide labels that have the corresponding Canadian "EnerGuide" appliance energy use label printed on the reverse side, and/or permission to use a single stick-on or hang tag label consisting of the Commission's EnergyGuide immediately next to (or above) the appropriately corresponding Canadian EnerGuide. Whirlpool also asked for permission to label in the same manner using the appliance energy use label required by Mexico, or using all three labels.

In support of its request, Whirlpool stated that the continued existence of separate appliance labeling requirements among the United States, Canada, and Mexico represents an obstacle to free trade among the signatories to NAFTA. Whirlpool contended that the ability to print the labels required by the three countries next to each other on a single piece of label stock would mitigate the impact of that obstacle. Whirlpool also stated that using such labels would save Whirlpool significant resources—by reducing the number of separate U.S. and Canadian models of appliances that Whirlpool produces and by reducing labeling expenses.

B. Applicable Sections of the Appliance Labeling Rule

Section 305.11(a)(5)(i)(K) of the Rule, 16 CFR 305.11(a)(5)(i)(K), states that: No marks or information other than that specified in this Part shall appear on or *directly adjoining* [the EnergyGuide] label except for a part or publication number identification, as desired by the manufacturer. * * * [emphasis added]

The language in this section pertains to labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, and room air conditioners. Identical language appears in two other sections relating to labels for furnaces and pool heaters (16 CFR 305.11(a)(5)(ii)(I)) and central air conditioners (16 CFR 305.11(a)(5)(iii)(H)(1)). The purpose of this prohibition was to avoid having other information detract from the Energy Guide label.

C. The Notice of Proposed Rulemaking

The Commission agreed that permitting manufacturers to use side-by-side or back-to-back labeling that included the energy use labels of the three NAFTA signatories could further the goals of NAFTA and could reduce the cost of compliance with the Rule. The Commission, therefore, on February 22, 1996, issued a Notice of Proposed Rulemaking ("NPR") proposing amendments to the above-referenced sections of the Rule.¹

In the NPR, the Commission addressed whether permitting this type of labeling would result in consumer confusion. The Commission reasoned that, because the EnergyGuide is the only one of the three labels that is exclusively in English, and because there are two disclosures on it stating that the information is derived from U.S. government tests and utility costs, U.S. consumers may realize that only one label is pertinent to them. Further, the United States and Canada, and, to a slightly lesser extent, Mexico, use compatible test procedures for identifying energy use, and require information to be reported in terms of kilowatt-hour use per year. Thus, the Commission concluded preliminarily that the similarity of the information being disclosed on each country's label may make the possibility of confusion less likely. Moreover, U.S. consumers are already seeing Canadian labels on some appliances (especially in the northern states), and possibly Mexican labels, although not directly adjoining the EnergyGuide. Finally, the Commission pointed out that, on many

¹ 61 FR 6801.

packages, instruction manuals, and labels that accompany products destined for multiple countries, consumers are presented with information in more than one language. Thus, the Commission tentatively determined that consumers are not likely to be confused or misled by the presence of multiple appliance energy use labels, as long as they can clearly distinguish which is intended for the U.S. audience.

The Commission noted in the NPR that it has worked closely with representatives of the Canadian EnerGuide program over the past two years to explore regulatory harmonization under NAFTA. This work has centered around each country's recent review of its respective appliance labeling rule, with both considering each other's research and proposed changes. More recently, representatives of the Mexican government have joined in this dialogue. The Commission stated its intention to continue this cooperative pursuit of tri-lateral harmonization to determine whether a single label can be designed that effectively fulfills the requirements of all three countries, and characterized the proposed amendments as an interim measure to provide manufacturers greater labeling flexibility to facilitate trade.

To obtain more information regarding its proposal, the Commission posed the following questions in the NPR:

1. Would allowing energy use labels required by the Canadian or Mexican governments to be placed next to the U.S. EnergyGuide be likely to detract from the effectiveness of the EnergyGuide or cause consumer confusion?

2. Should the Commission limit the information that the amendments would permit to be placed "directly adjoining" the EnergyGuide only to *energy use disclosures* required by the governments of Canada and Mexico? For example, should the amendments permit additional information required by the governments of Canada and Mexico, such as environmental or safety-related information, also to be placed "directly adjoining" the EnergyGuide?

3. Should the Commission limit the amendments to apply to energy use (or other) information required only by the governments of Canada and Mexico, or should the amendments permit energy use (or other) information required by the governments of all other nations?

II. Discussion of Comments

The Commission received four comments in response to the NPR.² Three comments were from manufacturers of major household appliances,³ and one was from a trade association representing manufacturers.⁴ All the comments supported the proposed amendments.

A. Amending the Rule To Permit Placement of Canadian and Mexican Energy Use Labels in Close Proximity to the EnergyGuide

AHAM and Whirlpool agreed with the Commission that the proposed amendments would promote the intent of NAFTA to facilitate the free flow of commerce across North American international boundaries.⁵ AHAM, White, and Wood agreed that the proposed amendments would benefit appliance manufacturers until the Commission's Rule could be harmonized with the energy use regulations of Canada and Mexico.⁶ These comments commended the Commission for its continuing efforts at harmonization and its goal of developing a single energy use label that meets the requirements of all three NAFTA signatories.⁷

AHAM, Whirlpool, and Wood stated that the proposed amendments would enable manufacturers to comply with the Rule more efficiently and economically.⁸ Wood explained:

Allowing the placement of any two or all three of the energy labels on applicable models side by side, above and below or on a single label or hang tag will allow our company to reduce the number of [stock-keeping units] required to be built and tracked. The reason for this is that a great many of the appliances going to Canada and Mexico are identical to that produced for the domestic market, with the only difference being the energy label. In order to build this change on the production line and keep track

of the 'energy' label through the warehouse and distribution chain, a separate and unique model is built.

The appliance industry is a very competitive market and with NAFTA it is a very competitive North American market. A relaxation in the current labeling rules will provide our company with real economic benefits.⁹

B. Would the Proposed Amendments Be Likely To Result in Consumer Confusion or Detraction From the EnergyGuide?

The comments unanimously concluded that placement of Canadian and/or Mexican energy use labels next to the EnergyGuide would not detract from the Commission's label and would not confuse consumers.¹⁰ Whirlpool's reasoning was representative of all the comments:

The primary energy descriptors are identical for all three nations and the U.S. label is the only one written entirely in English. Also, the FTC label notes that energy consumption estimates are based on U.S. government standard tests. Furthermore, we submit that consumers are becoming more and more sophisticated in quickly identifying the differences in instructional and point of purchase labels since an increasing number of such materials are being written in multilingual script to accommodate world marketing trends.¹¹

C. Should the Proposed Amendments Be Limited To Apply Only to Energy Use Labels? Should the Proposed Amendments Be Limited To Apply Only to Information Required by the Canadian and Mexican Governments?

All four comments agreed that the proposed amendments should apply only to energy use disclosure labels.¹² They reasoned that too many unrelated labels next to the EnergyGuide would detract from its message and cause information overload and confusion. As suggested by White, other information may be more appropriate communicated in care and use manuals:

[We] urge that the content remain energy information only, consistent with the familiar Energy Guide. Diverse information detracts from the important energy information and the industry guards against the appliance becoming a "billboard." Literature included with the appliance and intended as a continuous guide for safe use and maintenance is more appropriate for including other information.¹³

Moreover, as AHAM pointed out, some safety and environmental disclosures are voluntary in some of the

² The comments are found on the Public Record at the Federal Trade Commission in Washington, D.C., under Rulemaking Record Number R611004 (Appliance Labeling Rule). They are numbered B19229500001-B19229500004. The numerical prefix "B192295" identifies the comments as being in response to the NPR. In this notice, the comments are cited by an identification of the commentor, the last two digits of the comment number, and the relevant page number(s), e.g., "Whirlpool, 02, 2-3." The four comments were from: The Association of Home Appliance Manufacturers ("AHAM, 01"); The Whirlpool Corporation ("Whirlpool, 02"); White Consolidated Industries, Inc. ("White, 03"); and, W.C. Wood Company, Inc. ("Wood, 04").

³ Wood, 04; Whirlpool, 02; White, 03.

⁴ AHAM, 01.

⁵ AHAM, 01, 2; Whirlpool, 02, 1.

⁶ AHAM, 01, 2; White, 03, 1; Wood, 04, 2.

⁷ *Id.*

⁸ AHAM, 01, 1-2; Whirlpool, 02, 1, 3; Wood, 04, 1.

⁹ Wood, 04, 1.

¹⁰ AHAM, 01, 3, 4; Whirlpool, 02, 2; White, 03, 1; Wood, 04, 2.

¹¹ Whirlpool, 02, 2.

¹² AHAM, 01, 3-4; Whirlpool, 02, 1-2; White, 03, 1; Wood, 04, 2.

¹³ White, 03, 1.

countries, and mandatory in others, while energy use information is required by law in all three.¹⁴

Whirlpool suggested that the proposed amendments be expanded to apply to the energy use labels required by countries in Europe, Latin America, and Asia, in addition to Canada and Mexico, even though total harmonization of labels of all the countries in these areas may be decades away. In support of this proposal, Whirlpool stated that the Commission should take the lead in permitting multinational labeling to avoid future conflicts as the appliance industry markets its products worldwide. Whirlpool provided regulatory language with its comment that would accomplish this end.¹⁵

AHAM, advocated a more conservative approach, stating:

There will likely come a time when a common international "energy use disclosure" is appropriate and desired, as U.S. product exports increase to countries throughout the world. However, at this time, AHAM does not recommend other countries' information be permitted in conjunction with the EnergyGuide label.¹⁶

The Commission agrees with AHAM in this regard. While there may be sufficient similarity between the Commission's Rule and the labeling requirements of other nations at some future time to justify including them in this section of the Rule, the present record does not contain evidence to justify an expansion of the proposed amendments as Whirlpool has suggested.

III. Conclusion

The record contains unanimous support for the proposed amendments. Moreover, with the exception of Whirlpool's suggestion to allow the placement of the energy use labels of other countries, in addition to those of Canada and Mexico, "on or directly adjoining" the EnergyGuide, the record also supports the form and language of the proposed amendments as they appear in the NPR. The Commission, therefore, amends the Appliance Labeling Rule as proposed in the NPR. Manufacturers are still prohibited from placing other information on or directly adjoining the EnergyGuide.

Section A—Regulatory Flexibility Act

In the NPR, the Commission concluded, on a preliminary basis, that the provisions of the Regulatory Flexibility Act relating to an initial

Regulatory Flexibility Act analysis (5 U.S.C. 603–604) were not applicable to this proceeding because the amendments, if promulgated, would not have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 605). The Commission concluded, therefore, that a regulatory flexibility analysis was not necessary.

To determine whether a final regulatory flexibility analysis would be necessary, however, in the NPR the Commission requested information on whether the proposed amendments would have a significant impact on a substantial number of small entities. No comments were received on this issue.

In light of the above, and because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule, the Commission certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant impact on a substantial number of small entities.

Section B—Paperwork Reduction Act

In the NPR, the Commission stated that the amendments would not expand the Appliance Labeling Rule's existing recordkeeping and reporting requirements, and that the Commission, therefore, was not requesting that the Office of Management and Budget adjust the existing clearance for the Appliance Labeling Rule (OMB No. 3084–0069) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). To substantiate the accuracy of its reporting burden estimate, however, the Commission requested comment on the extent of the reporting and recordkeeping burden associated with the amendments.

The Commission received one comment on this issue. Whirlpool agreed with the Commission's conclusion that the amendments would not expand existing recordkeeping and reporting requirements. Whirlpool stated, "In fact, granting of this proposal would reduce recordkeeping and reporting among the regulated community."¹⁷

Accordingly, the Commission reaffirms its prior determination that the amendments do not alter the Rule's recordkeeping or reporting requirements and that they do not, therefore, require OMB clearance.

Text of Amendments

For the reasons discussed above, the Commission amends 16 CFR Part 305 to permit (but not require) appliance manufacturers to place the energy use

disclosure labels required by the governments of Canada and Mexico in a location directly adjoining the Commission's EnergyGuide, as follows below:

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Section 305.11(a)(5)(i)(K), (a)(5)(ii)(I), and (a)(5)(iii)(H)(I) are revised to read as follows:

§ 305.11 Labeling for covered products.

(a) * * *
(5) * * *
(i) * * *

(K) No marks or information other than that specified in this Part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

(ii) * * *

(I) No marks or information other than that specified in this Part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

* * * * *

(iii) * * *

(H) * * *

(I) No marks or information other than that specified in this Part shall appear on or directly adjoining this label, except a part or publication number identification may be included on this label, as desired by the manufacturer, and the energy use disclosure labels required by the governments of Canada or Mexico may appear directly adjoining this label, as

¹⁴ AHAM, 01, 4.

¹⁵ Whirlpool, 02, 2.

¹⁶ AHAM, 01, 4.

¹⁷ Whirlpool, 02, 3.

desired by the manufacturer. If a manufacturer elects to use a part or publication number, it must appear in the lower right-hand corner of the label and be set in 6-point type or smaller.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-16476 Filed 6-27-96; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 94F-0405]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame as a general purpose sweetener. This action is in response to a petition by the NutraSweet Co., and will simplify the existing regulation by replacing most of the 23 currently listed uses of aspartame with a single use category for food.

DATES: The regulation is effective June 28, 1996. Submit written objections and requests for a hearing by July 29, 1996. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in 21 CFR 172.804(c)(2), effective June 28, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFS-207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3106.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 8, 1994 (59 FR 63368), FDA announced that a food additive petition (FAP 5A4439) had been filed by the NutraSweet Co., 1751 Lake Cook Rd., Deerfield, IL 60015-5239, proposing that the food additive regulations be

amended in § 172.804 *Aspartame* (21 CFR 172.804) to provide for the safe use of aspartame as a general purpose sweetener.

I. Background

Aspartame is currently approved for use in a large number of processed foods under § 172.804 (21 CFR 172.804) (20 permitted uses as a sweetener and 3 permitted uses as a flavor enhancer). The regulation has resulted from the approval of 27 separate food additive petitions (FAP's).

The acceptable daily intake (ADI) of 50 milligrams per kilogram body weight per day (mg/kg/day) was established for aspartame as a result of the agency's review of FAP 2A3661, which requested use of aspartame in carbonated beverages (48 FR 31376, July 8, 1983). The ADI is the level of consumption that has been determined to be safe for human consumption every day over an entire lifetime. The agency's review of all petitions submitted subsequent to aspartame's approval in carbonated beverages involved primarily: (1) An assessment of the estimated exposure from each additional use; and (2) a determination of whether the cumulative estimated exposure, including the newly requested use, would cause the acceptable daily intakes for aspartame and for its major breakdown product, diketopiperazine (DKP), to be exceeded over a lifetime by individuals consuming aspartame at the 90th percentile level. The 90th percentile intake (which represents high exposure) is the level of consumption at which 90 percent of the population (a selected population subgroup) consumes the ingredient at or below the indicated value.

NutraSweet is now requesting that the aspartame regulation be amended to allow its use as a general purpose sweetener at levels determined by current good manufacturing practice (CGMP). FDA's CGMP regulation for food additives requires, among other things, that the level of an additive used in food not be higher than that level required to accomplish the intended functional effect (21 CFR 172.5(a)(1)). This level has not, in general, been set by the agency except when there appears to be a specific need to do so. In the case of the agency's review of FAP 7A4044, which requested the use of aspartame in baked goods and baking mixes, the maximum level of use of aspartame that would be consistent with CGMP was set at 0.5 percent by weight of ready-to-bake products or of finished formulations prior to baking. In that decision, the agency imposed a use limit that can be verified by an analytical

method that is incorporated by reference into the regulation. That requirement is maintained in this regulation. For all other uses of aspartame the agency has determined that CGMP levels of use need not be specified.

The practical effect of the amendment requested in the current petition would be to simplify the existing regulation in § 172.804 by replacing most of the 23 currently listed uses of aspartame with a single use category for food. As discussed below, the permitted uses of aspartame are sufficiently broad that including any additional category not allowed by the current regulation will not cause human exposure to change significantly.

II. Petition for Use of Aspartame as a General Purpose Sweetener

To support the proposed amendment, NutraSweet has submitted a summary of postmarket aspartame intake surveys performed by the Market Research Corp. of America (MRCA) between 1984 and 1992. These surveys (which measure the actual amount of aspartame consumed by individuals) track the quantity of aspartame-sweetened foods that are consumed over a 2-week period. According to the July 1991 to June 1992 survey, the intake of aspartame for individuals who consume aspartame at the 90th percentile ("eaters only") is 3.0 mg/kg/day (6 percent of the ADI) for the "all ages" population group and is 5.2 mg/kg/day (10.4 percent of the ADI) for children in the 0-month to 5-year-old subgroups (the groups that consume the highest amounts of aspartame per kg of body weight). NutraSweet states in the petition that aspartame intake from the potential new uses is not expected to significantly increase aspartame consumption above current levels. This is because: (1) Its intake from the major use category (e.g., beverages) has stabilized and the potential new uses will have, at most, a minor effect on total consumption; and (2) the permitted uses of competing high-intensity sweeteners continue to be broadened.

III. Exposure Estimates

The agency focused its safety evaluation on whether human exposure to aspartame as a general purpose sweetener would exceed the ADI of 50 mg/kg/day; and whether human exposure to DKP, the aspartame decomposition product, would exceed the ADI of 30 mg/kg/day (Ref. 1).

A. Aspartame

In the Commissioner's 1981 decision to approve aspartame (46 FR 38285, July 24, 1981), several methods were described for projecting the level of

aspartame consumption. In one method the agency estimated that if aspartame replaced all sucrose in the diet of an average 60 kg individual, the aspartame consumption would be approximately 8.3 mg/kg/day. In the petition, Nutrasweet projects an aspartame intake of 8.1 mg/kg/day for all age groups when used as a general purpose sweetener.

The agency has reassessed the anticipated exposure to aspartame in light of all the evidence gained since the earlier approval. Assuming that all sucrose added to food would be replaced by aspartame, the agency estimates that the daily intake would be 8.7 mg/kg/day. Use of other approaches to estimate consumption also results in consistent intake estimates that are far below the ADI (Ref. 1). This shows that high levels of aspartame intake derived for different age groups are unlikely to exceed the ADI if used in food with no limitations other than CGMP.

B. DKP

Aspartame can partially decompose to yield DKP in certain food products when they are heated or stored for prolonged periods of time. FDA has previously set an ADI for DKP of 30 mg/kg/day (48 FR 31376, July 8, 1983). In order to derive a conservative exposure to DKP, FDA used the highest exposure estimate derived for aspartame (based on the assumption that all sugars added to food would be replaced with aspartame). This DKP exposure estimate does not exceed 10 percent of the ADI for all age groups and does not exceed 16 percent for the 0- to 5-year-old age group (Ref. 1). These estimates show that the ADI for DKP will not be exceeded when aspartame is used as a general purpose sweetener.

IV. Comment

The agency received one comment in response to the filing notice of December 8, 1994, from the McNeil Specialty Products Co. (Ref. 2). This comment raised two points, each of which is addressed below.

The first point raised by the comment was that the filing notice failed to specify that the agency was soliciting comments on the entire petition, not just on the environmental assessment. The comment suggested that the entire petition should be made available at the Dockets Management Branch and that a separate notice should be published in the Federal Register explicitly requesting comments on all aspects of the petition.

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(b)(5)), FDA is required to

announce the filing of a food additive petition. Although public notice of a petition is required, the act is silent with respect to public comment on a petition.

Historically, FDA has not placed food additive petitions on public display when a notice of filing is published and knows of no reason why such public display should be required. The agency considers comments received consistent with their relevance to the petitioned action. Information from the petition can be obtained through a request made under the Freedom of Information Act consistent with 21 CFR part 20.

The second point raised by the comment was that the petition lacks information required under § 171.1(c) (21 CFR 171.1(c)) on the amount of the additive proposed for use, appropriate functionality data to support the additional use categories requested, and methods to determine the level of the additive in food. It is further noted in the comment that if such information exists in other petitions, § 171.1(b) allows the petitioner to reference, rather than resubmit, such information. The comment points to: (1) Data establishing functionality and appropriate use levels and analytical techniques for the newly-requested approvals are not present in the current petition and (2) the petitioner had not specifically referenced such data; thus, the petition does not comply with the requirements found in § 171.1(c). Therefore, the comment contends that the petition is deficient and should not have been accepted for filing, and should be amended accordingly prior to the agency taking final action.

The agency disagrees with the contention that the petition lacks information required under § 171.1(c). As stated above in section I. of this document, aspartame has been previously approved for use as a sweetener in a large number of processed foods. These various approvals have resulted from the agency's consideration of 27 separate food additive petitions. The approved uses of aspartame span a wide range of food matrices and include products which are stored under a wide variety of conditions. Data establishing the functionality and stability of aspartame, and descriptions of methods for detecting aspartame in a wide variety of food products, are contained in either the 27 petitions or in several Food Master Files established for aspartame by the agency. Much of this information has been discussed in previous Federal Register documents.

Further, all of these petitions are specifically referenced in FAP 5A4439.

Therefore, the statement made in the comment that these petitions are not specifically referenced in the subject petition is factually incorrect.

V. Conclusions

FDA has calculated exposure estimates to aspartame under the assumption that the sweetener would be used in food with no limits other than CGMP. Having considered the results of these exposure estimates, which were made using extremely conservative assumptions (such as, that aspartame would replace all sugars added to food), the agency concludes that the use of aspartame as a general purpose sweetener will not cause the ADI for aspartame to be exceeded. The agency has estimated exposure to DKP (the major decomposition product of aspartame) and concludes that the ADI for DKP will also not be exceeded by its use as a general purpose sweetener. Based on these evaluations, the agency further concludes that the use of aspartame as a general purpose sweetener, subject only to CGMP conditions of use (including a specific CGMP level of use of 0.5 percent in baked goods and baking mixes), is safe and that the regulation for aspartame should be amended in § 172.804(c) as set forth below. In addition, § 172.804(b) is amended to conform to the requirement of providing three addresses for methods that are incorporated by reference, one where the method may be obtained and two where it may be examined by the public.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 29, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from the Chemistry Review Branch, FDA, to the Novel Ingredients Branch, FDA; March 8, 1994.
2. Comment from the McNeil Specialty Products Co., January 6, 1995.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. Section 172.804 is amended by revising the introductory text, the second sentence of paragraph (b), and paragraph c; by removing paragraph (d) and redesignating paragraphs (e) and (f) as paragraphs (d) and (e) to read as follows:

§ 172.804 Aspartame.

The food additive aspartame may be safely used in food in accordance with good manufacturing practice as a sweetening agent and a flavor enhancer in foods for which standards of identity established under section 401 of the act do not preclude such use under the following conditions:

* * * * *

(b) * * * Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food And Drug Administration, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c)(1) When aspartame is used as a sugar substitute tablet for sweetening hot beverages, including coffee and tea, L-leucine may be used as a lubricant in the manufacture of such tablets at a level not to exceed 3.5 percent of the weight of the tablet.

(2) When aspartame is used in baked goods and baking mixes, the amount of the additive is not to exceed 0.5 percent by weight of ready-to-bake products or of finished formulations prior to baking. Generally recognized as safe (GRAS) ingredients or food additives approved for use in baked goods shall be used in combination with aspartame to ensure its functionality as a sweetener in the final baked product. The level of aspartame used in these products is determined by an analytical method entitled "Analytical Method for the Determination of Aspartame and Diketopiperazine in Baked Goods and Baking Mixes," October 8, 1992, which was developed by the Nutrasweet Co. Copies are available from the Office of Premarket Approval (HFS-200), Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, or are available for inspection at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 200 C St. SW., rm. 3321, Washington, DC 20204, and the Office of the Federal Register, 800 North

Capitol St. NW., suite 700, Washington, DC.

* * * * *

Dated: June 18, 1996.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 96-16522 Filed 6-27-96; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8670]

RIN 1545-AU20

Revision of Section 482 Cost Sharing Regulations; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations (TD 8670), which were published in the Federal Register on Monday, May 13, 1996 (61 FR 21955) relating to qualified cost sharing arrangements.

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Sams, (202) 622-3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 482 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8670), which are the subject of FR Doc. 96-11781, is corrected as follows:

§ 1.482-7 [Corrected]

On page 21956, column 2, instructional "Par. 3.", is corrected by revising item g. to read as follows:

g. By redesignating the introductory text of paragraph (j)(2) following the heading and paragraphs (j)(2)(i) through (j)(2)(v) as the introductory text of paragraph (j)(2)(i) and paragraphs (j)(2)(i)(A) through (j)(2)(i)(E),

respectively; and, by adding a heading to newly designated paragraph (j)(2)(i).
Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief
Counsel (Corporate).
[FR Doc. 96-16171 Filed 6-27-96; 8:45 am]

BILLING CODE 4830-01-P

26 CFR Part 301

[TD 8671]

RIN 1545-AS83

Taxpayer Identifying Numbers (TINs); Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations [TD 8671] which were published in the Federal Register on Wednesday, May 29, 1996 (61 FR 26788). The final regulations relate to requirements for furnishing a taxpayer identifying number on returns, statements or other documents.

EFFECTIVE DATE: May 29, 1996.

FOR FURTHER INFORMATION CONTACT: Lilo A. Hester, (202) 874-1490 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 6109 of the Internal Revenue Code.

Need for Correction

As published, TD 8671 contains errors that are in need of correction.

Correction of Publication

Accordingly, the publication of final regulations which are the subject of FR Doc. 96-13397 is corrected as follows:

1. On page 26790, column 1, in amendatory instruction "Par 2.", line 1, the language "Section § 301.6109-1 is" is corrected to read "Section 301.6109-1 is".

§ 301.6109-1 [Corrected]

2. On page 26791, columns 1 and 2, § 301.6109-1(d)(3)(iv)(A)(1) is corrected to read as follows:

§ 301.6109-1 Identifying numbers.

* * * * *

(d) * * *

(3) * * *

(iv) * * *

(A) * * *

(1) Procedures for providing Form SS-4 and Form W-7, or such other necessary form to applicants for obtaining a taxpayer identifying number;

* * * * *

3. On page 26792, column 2, § 301.6109-1(h)(1), line 8, the language "identification numbers apply after May" is corrected to read "identification numbers apply on and after May".

Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief
Counsel (Corporate).

[FR Doc. 96-16172 Filed 6-27-96; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

28 CFR Parts 0, 2, 32, 42, and 46

Justice Department Regulations; Corrections

AGENCY: Department of Justice.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to title 28 of the Code of Federal Regulations that constitute technical amendments to the Department of Justice regulations.

EFFECTIVE DATE: June 24, 1996.

FOR FURTHER INFORMATION CONTACT:

Rosemary Hart, Senior Counsel, Office of Legal Counsel, U.S. Department of Justice, 10th and Constitution Avenues, NW., Washington, DC 20530, (202) 514-2027 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Need for Correction

As published in the Code of Federal Regulations, the final regulations amending parts 0, 2, 32, 42, and 46 of title 28, Code of Federal Regulations, contain technical errors that are in need of correction.

List of Subjects

28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

28 CFR Part 2

Administrative practice and procedure, Crime, Juvenile delinquency, Prisoners, Privacy, Probation and parole, Youth.

28 CFR Part 32

Administrative practice and procedure, Claims, Disability benefits,

Emergency medical services, Firefighters, Law enforcement officers, Reporting and recordkeeping requirements.

28 CFR Part 42

Administrative practice and procedure, Aged, Civil Rights, Equal employment opportunity, Grant programs, Individuals with disabilities, Reporting and recordkeeping requirements, Sex discrimination.

28 CFR Part 46

Human research subjects, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, title 28 of the Code of Federal Regulations is corrected by making the following correcting amendments:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

§ 0.112 [Corrected]

2. In § 0.112, paragraphs (1) through (4) are redesignated as paragraphs (a) through (d).

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

3. The authority citation for Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.47 [Corrected]

4. In § 2.47, paragraph (b), paragraphs (i) and (ii) are redesignated as paragraphs (1) and (2), respectively.

5. In § 2.47, paragraph (c), paragraphs (i) through (iii) are redesignated as paragraphs (1) through (3) respectively.

PART 32—PUBLIC SAFETY OFFICERS' DEATH AND DISABILITY BENEFITS

6. The authority citation for Part 32 is revised to read as follows:

Authority: Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3711 *et seq.*).

§ 32.2 [Corrected]

7. In § 32.2, paragraph (3), which directly follows paragraph (d), is redesignated as paragraph (e).

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart H—Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance

8. The authority citation for Part 42, Subpart H is revised to read as follows:

Authority: E.O. 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298; E.O. 12067, 43 FR 28967, 3 CFR, 1978 Comp., p. 206.

§ 42.605 [Corrected]

9. In § 42.605, paragraphs (e)(i) and (e)(ii) are redesignated as paragraphs (e)(1) and (e)(2) respectively.

PART 46—PROTECTION OF HUMAN SUBJECTS

10. The authority citation for Part 46 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509–510; 42 U.S.C. 300v–1(b).

§ 46.120 [Corrected]

11. In § 46.120, the undesignated paragraph is designated as paragraph (a).

Dated: June 24, 1996.

Rosemary Hart,

Federal Register Liaison Officer.

[FR Doc. 96–16511 Filed 6–27–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 56

Work Incentive (WIN) Programs for AFDC Recipients; Removal of Obsolete Work Program Regulations

AGENCY: Office of the Secretary of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is removing obsolete provisions from the Code of Federal Regulations. These provisions involve work program activities under the Work Incentive (WIN) Programs, which were superseded when State welfare agencies began their Job Opportunities and Basic Skills (JOBS) Programs in 1989–1990.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT:

Terence Finegan, Director, Division of Policy, Legislation, and Dissemination, Employment and Training Administration, 200 Constitution Avenue NW., Room N5637, Washington, D.C. 20210; tel. (202) 219–7669 x126 (this is not a toll-free call).

SUPPLEMENTARY INFORMATION: In September 1993, the President issued Executive Order 12866, which called for Federal regulations which were less burdensome, more effective, and more consistent with Administration priorities. In response, the Department of Labor (DOL or the Department) published a notice in the Federal Register providing a plan for periodic review of existing rules and soliciting ideas. 59 FR 57800 (November 14, 1994).

In March 1995, the President issued a new directive to federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for more immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations with and eye towards eliminating or modifying those that are obsolete or which are otherwise in need of reform. This notice represents a step in the DOL's response to this directive.

Work Programs

Under the Family Support Act of 1988, Pub. L. 100–485, Congress created the Job Opportunities and Basic Skills (JOBS) program to improve the job prospects of welfare recipients and help them become self-sufficient. It required States to begin operating their JOBS programs by October 1, 1990. If a State began operating its JOBS programs sooner, the regulations governing the separate work programs authorized under parts A and C of title IV of the Social Security Act—i.e., the Work Incentive (WIN) program; the Work Incentive Demonstration (WIN Demo) program; the Community Work Experience Program (CWEP); the Work Supplementation Program; and the Employment Search Program—became inapplicable at the start of the JOBS program. Nationwide, these programs were repealed as of October 1, 1990. Thus, the regulations which governed these programs are obsolete.

On May 17, 1995, the Administration for Children and Families of the Department of Health and Human Services (HHS) published in the Federal Register a final rule that removed, among others, the regulations at 45 CFR part 224, addressing HHS's administrative responsibilities for the WIN program. 60 FR 26373 (May 17, 1995). Because the WIN program was jointly administered by HHS and DOL, the HHS provisions at 45 CFR part 224 were identical to those contained at 29 CFR part 56, issued by DOL.

Accordingly, this notice removes part 56, governing the WIN program, from title 29.

Publication in Final

The Department of Labor has determined, pursuant to 5 U.S.C. 553(b)(B), that good cause exists for waiving the public comment on this rule. Publication of a proposed rule and solicitation of comments would be neither necessary nor fruitful, since this final rule affects only obsolete provisions and programs.

Effective Date

The Department has determined, pursuant to 5 U.S.C. 553(d)(3), that good cause exists for waiving the customary requirement to delay the effective date of a final rule for 30 days following its publication. It is unnecessary to postpone the effective date, since none of the provisions being removed are in effect, and no time for implementation is required. Therefore, this final rule is effective immediately upon publication.

Statutory Authority

DOL is publishing these rules under the general authority provided under section 1102 of the Social Security Act, 42 U.S.C. § 1302. This section requires publication of regulations that may be necessary for the efficient administration of the functions under the Social Security Act.

Regulatory Procedures—Executive Order 12866

This final rule has been reviewed by DOL pursuant to Executive Order 12866. Executive Order 12866 requires that regulations be reviewed for consistency with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. Specifically, it responds directly to the President's Regulatory Reinvention Initiative by cutting obsolete regulations. It entails no increase in cost or burden on State and local governments or other entities. It is not a significant regulatory action under the Executive Order.

Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a "major rule" requiring prior approval by the Congress and the President pursuant to the Small Business Reduction Regulatory Fairness Act of 1996 (5 U.S.C. § 801 *et seq.*), because it is not likely to result in (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for

consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Further, since DOL has determined, for good cause, that publication of a proposed rule and solicitation of comments on this rule removing the WIN regulations from 29 CFR would be neither necessary nor fruitful, under section 808(2) of title 5 U.S.C., this final rule is effective immediately upon publication as stated in this notice.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (Pub. L. 96-354), which requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Department certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. § 3500 *et seq.*).

List of Subjects in 29 CFR Part 56

Administrative practice and procedure, Grant programs—social programs, Reporting and recordkeeping requirements, Work Incentive (WIN) Programs.

Signed at Washington, DC, this 24th day of June.

Robert B. Reich,
Secretary of Labor.

Accordingly, subtitle A of title 29 of the Code of Federal Regulations is amended, under the authority of section 1102 of the Social Security Act, by removing part 56.

PART 56—[REMOVED]

[FR Doc. 96-16514 Filed 6-27-96; 8:45 am]

BILLING CODE 4510-23-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Elementary-Secondary Staff Information Report EEO-5

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule is based on a Notice of Proposed Rulemaking ("NPRM") published on December 8, 1995. It amends the school filing requirement in subpart M of 29 CFR Part 1602, by discontinuing the EEO-5 report (EEOC Form 168B) for individual schools and annexes. The Commission takes this action in order to reduce the reporting burden on respondents and to streamline the collection of information required for enforcement purposes while maintaining sufficient data to meet the Commission's program needs. The recordkeeping requirements in Subpart L of 29 CFR Part 1602 are unchanged.

EFFECTIVE DATE: July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Surveys Division, at (202) 663-4958 (voice) or (202) 663-7063 (TDD) (these are not toll free numbers).

SUPPLEMENTARY INFORMATION: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports therefrom as required by the Commission. Accordingly, the Commission has issued regulations setting forth the reporting requirements for various kinds of employers. Elementary and secondary public school systems and districts have been required to submit EEO-5 reports to the Commission since 1974 (biennially in even numbered years since 1982). Two types of EEO-5 reports have been used: EEOC Form 168A, covering the entire public school system or district; and EEOC Form 168B, covering each individual school and annex within the system or district. On October 5, 1995, the Commission voted to discontinue the EEO-5 report (EEOC Form 168B) for individual schools and annexes. Starting with the 1996 survey year, public school systems and districts will be required to file only EEO-5 reports (EEOC Form 168A) covering the entire school system or district.

The Office of Management and Budget (OMB) approval of the current EEO-5

collection of information, OMB Control Number 3046-0003, expired on January 31, 1996. In order to comply with the new information collection clearance procedures that OMB has instituted pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3502(1), and set forth at 29 CFR Parts 1320.8, .9, and .11, the Commission solicited public comment in the Federal Register on December 8, 1995, concerning the proposed change in the EEO-5 collection and the Commission's request for an extension of OMB's approval of the collection. The Commission received three public comments in response to the NPRM. Each comment recommended that the Commission not implement the proposed rule and continue to collect information for individual schools and annexes. We point out that even though the data for individual schools and annexes will not be submitted on survey forms, schools still will be required to keep the same records that they formerly kept at the local level to complete the EEO-5 as a part of the recordkeeping requirements contained in Subpart L of 29 CFR Part 1602. Thus, the information will be available upon request. The Commission has determined that this change not only will substantially reduce reporting burden without reducing overall employment coverage or the number of responding school systems and districts, but that it will be more cost effective for the Commission to request the individual school data when necessary for enforcement purposes than to continue with the current collection.

Regulatory Flexibility Act

This amendment will result in substantially reduced expenses and reporting burdens for public school systems and districts. The Commission also has determined that the elimination of reporting requirements for individual schools and annexes will not adversely affect the utility of the information being collected. Thus, the Commission certifies pursuant to 5 U.S.C. § 605(b), enacted by the Regulatory Flexibility Act, Public Law No. 96-354, that the amendment will not result in significant impact on small employers or other entities because it involves elimination of reporting requirements, and that a regulatory flexibility analysis therefore is not required. The Commission hereby publishes this final rule for public information. The rule appears below.

List of Subjects in 29 CFR Part 1602

Reporting and recordkeeping requirements.

Dated: June 17, 1996.
For the Commission,
Gilbert F. Casellas,
Chairman.

Accordingly, 29 CFR Part 1602 is amended as follows:

PART 1602—[AMENDED]

1. The authority citation for part 1602 continues to read as follows:

Authority: 42 U.S.C. 2000e-8, 2000e-12, 44 U.S.C. 3501 *et seq.*; 42 U.S.C. 12117.

§ 1602.41 Requirement for filing and preserving copy of report.

2. Section 1602.41 is amended as follows:

(a) In the introductory text, in the first sentence, delete the phrase “and individual schools within such systems or district”.

(b) In the concluding text, in the first sentence, delete the phrase, “, or the individual school which is the subject of the report where more convenient,”.

3. Section 1602.43 is revised to read as follows:

§ 1602.43 Commission's remedy for school systems' or districts' failure to file report.

Any school system or district failing or refusing to file report EEO-5 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Commission or the Attorney General.

4. Section 1602.44 is revised to read as follows:

§ 1602.44 School systems' or districts' exemption from reporting requirements.

If it is claimed that the preparation or filing of the report would create undue hardship, the school system or district may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

[FR Doc. 96-16056 Filed 6-27-96; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1, 2, 5, 8, 19, 20, 26, 45, 51, 67, 81, 89, 110, 114, 116, 117, 127, 140, 141, 144, 148, 151, 153, 154, 155, 156, 157, 158, 159, 160, 164, 165, 174, 179, 181, 183, and 187

[CGD 96-026]

RIN 2115 AF33

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 33, Code of Federal Regulations to reflect recent agency organizational changes. It also makes editorial changes throughout the title to correct addresses, update cross-references, remove obsolete regulatory provisions, and make other technical corrections. This rule will have no substantive effect on the regulated public.

EFFECTIVE DATE: This rule is effective on June 30, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Janet Walton, Project Manager, Office of Standards Evaluation and Development (G-MSR-2), (202) 267-0257.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Each year Title 33 of the Code of Federal Regulations (CFR) is recodified on July 1. This rule makes miscellaneous editorial changes and conforming amendments, including changes brought about by the Coast Guard Headquarters reorganization, to be included in the 1996 recodification of Title 33.

Discussion of Changes

Coast Guard Headquarters recently went through a comprehensive streamlining and reorganization. The substantive functions it performs are essentially unchanged; however, many functions have been consolidated. This rule reflects the redistribution of

functions and responsibilities due to the reorganization.

The rule also makes editorial changes throughout the title to correct addresses, update cross-references, and make other technical corrections.

Sections 157.03, 159.3, 181.3, and 183.3 are being reformatted by reorganizing the definitions into alphabetical order and removing paragraph designators.

Section 165.T01-005 expired on May 1, 1994 and section 165.702 expired on December 31, 1991. These regulations are no longer needed and are being removed.

In addition the safety zone in § 165.1112 was originally established to protect Navy cables and equipment on the ocean floor which could have been damaged by anchoring, fishing, and similar activities. The Navy equipment has been removed and this safety zone is no longer required and is being removed.

Since this amendment relates to departmental management; organization; procedure; and practice, notice and comment on it are unnecessary and it may be made effective in fewer than 30 days after publication in the Federal Register. Therefore, this final rule is effective June 30, 1996.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule involves internal agency practices and procedures, it will not impose any costs on the public.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have significant federalism implications

to warrant the preparation of a Federalism Assessment.
Environment

The Coast Guard considered the environmental impact of this rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs 2.B.2.e.(34) (a) and (b), concerning regulations that are editorial or procedural and concerning internal agency functions or organization. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Penalties.

33 CFR Part 2

Administrative practice and procedure, Law enforcement.

33 CFR Part 5

Volunteers.

33 CFR Part 8

Armed forces reserves.

33 CFR Part 19

Navigation (water), Vessels.

33 CFR Part 20

Administrative practice and procedure, Authority delegations (Government agencies), Penalties, Water pollution control, Waterways.

33 CFR Part 26

Communications equipment, Marine safety, Radio, Telephone, Vessels.

33 CFR Part 45

Military personnel, Reporting and recordkeeping requirements.

33 CFR Part 51

Administrative practice and procedure, Military personnel.

33 CFR Part 67

Continental shelf, Navigation (water), Reporting and recordkeeping requirements.

33 CFR Part 81

Navigation (water), Reporting and recordkeeping requirements, Treaties.

33 CFR Part 89

Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 110

Anchorage grounds.

33 CFR Part 114

Bridges.

33 CFR Part 116

Bridges.

33 CFR Part 117

Bridges.

33 CFR Part 127

Fire prevention, Harbors, Natural gas, Reporting and recordkeeping requirements, Security measures.

33 CFR Part 140

Continental shelf, Investigations, Marine safety, Occupational safety and health, Penalties, Reporting and recordkeeping.

33 CFR Part 141

Citizenship and naturalization, Continental shelf, Employment, Reporting and recordkeeping.

33 CFR Part 144

Continental shelf, Marine safety, Occupational safety and health.

33 CFR Part 148

Administrative practice and procedure, Environmental protection, Harbors, Petroleum.

33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 153

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 154

Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 156

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 157

Cargo vessels, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 158

Administrative practice and procedure, Harbors, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 159

Sewage disposal, Vessels.

33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

33 CFR Part 164

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

33 CFR Part 174

Intergovernmental relations, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 179

Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 183

Marine safety.

33 CFR Part 187

Marine safety, Reporting and recordkeeping requirements, Administrative practice and procedure.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 1, 2, 5, 8, 19, 20, 26, 45, 51, 67, 81, 89, 110, 114, 116, 117, 127, 140, 141, 144, 148, 151, 153, 154, 155, 156, 157, 158, 159, 160, 164, 165, 174, 179, 181, 183, and 187 as follows:

PART 1—GENERAL PROVISIONS

1. The authority citation for part 1 is revised to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 401, 491, 525, 1321, 2716, and 2716a; 46 U.S.C. 9615; 49 U.S.C. 322; 49 CFR 1.45(b), 1.46; section 1.01–70 also issued under the authority of E.O. 12580, 3 CFR, 1987 Comp.,

p. 193; and sections 1.01–80 and 1.01–85 also issued under the authority of E.O. 12777, 3 CFR, 1991 Comp., p. 351.

§ 1.01–60 [Amended]

2. In § 1.01–60, in paragraph (a), remove the words “Office of Navigation and Waterway Services,” and add, in their place, the word “Operations.”

§ 1.05–1 [Amended]

3. In § 1.05–1, in paragraph (g), remove the words “Office of Navigation Safety and Waterway services, and the Chief, Office of Marine Safety, Security, and Environmental Protection” and add, in their place, the words “Operations, and the Chief, Marine Safety and Environmental Protection.”

§ 1.10–5 [Amended]

4. In § 1.10–5, in paragraph (a), remove the words “Commandant (GA), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593” and add, in their place, the words “Chief, Office of Information Management, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001”; and in paragraph (c), remove the words “Commandant (GA)” and add, in their place, the words “Chief, Office of Information Management.”

§ 1.26–5 [Amended]

5. In § 1.26–5, in paragraph (b), remove the word “(G–PS–5),” and add, in their place, the word “(G–WPM–3),”.

§§ 1.01–70 and 1.01–80 [Amended]

6. In addition to the amendments set forth above, in 33 CFR part 1, remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection” in the following places:

- (a) Section 1.01–70(b); and
- (b) Section 1.01–80(b).

PART 2—JURISDICTION

7. The authority citation for part 2 continues to read as follows:

Authority: 14 U.S.C. 633, 80 Stat. 931 (49 U.S.C. 1655(b)); 49 CFR 1.4(b), 1.46(b).

§ 2.05–1 [Amended]

8. In § 2.05–1, in paragraph (c), remove the number “82” and add, in its place, the number “80”.

§ 2.05–20 [Amended]

9. In § 2.05–20, in paragraph (b), remove the number “82” and add, in its place, the number “80”.

PART 5—COAST GUARD AUXILIARY

10. The authority citation for part 5 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.46.

11. In § 5.01, paragraph (j) is revised to read as follows:

§ 5.01 Definitions

* * * * *

(j) *Secretary* means the Secretary of Transportation when the Coast Guard operates in the Department of Transportation or the Secretary of the Navy when the Coast Guard operates as part of the Navy.

* * * * *

PART 8—UNITED STATES COAST GUARD RESERVE

12. the authority citation for part 8 continues to read as follows:

Authority: 14 U.S.C. 633.

13. Section 8.3 is revised to read as follows:

§ 8.3 Organization of the Coast Guard Reserve.

(a) The Coast Guard Reserve is organized, trained and equipped under the direction of the Commandant.

(b) The Director of Reserve and Training is responsible for the overall administration and supervision of the Reserve.

(c) In Atlantic Area, Integrated Support Commands have responsibility for local Reserve issues; however, in Pacific Area, responsibility for local Reserve issues remains with District Commanders.

(d) Most Coast Guard Reservists are fully integrated into active duty Coast Guard units. There, Reservists perform the same duties and have the same responsibilities as their active duty counterparts. Their integrated work prepares Reservists to perform the duties of their mobilization assignments while at the same time providing assistance to the active service. Some Reservists are assigned to dedicated Reserve units where they train and mobilize in support of national defense operations.

14. Section 8.5 is revised to read as follows:

§ 8.5 Regulations for the Coast Guard Reserve.

(a) Regulations for the Coast Guard Reserve are established by the Commandant.

(b) Permanent regulations are published in Coast Guard publications and manuals and include the following:

- (1) Coast Guard Regulations.
- (2) Coast Guard Organization Manual.
- (3) Coast Guard Reserve Administration and Training Manual.
- (4) Personnel Manual.
- (5) Recruiting Manual.

(6) Military Justice Manual.

(7) Comptroller Manual.

(c) Temporary regulations and orders affecting Reservists are included in instructions or notices in the Coast Guard directives system.

(d) Other regulations that affect the Reserve are located in Department of Defense and Department of the Navy regulations in Title 32 of the Code of Federal Regulations.

15. Section 8.7 is revised to read as follows:

§ 8.7 Information.

(a) Information concerning the Coast Guard Reserve may be obtained from Commandant (G–WTR), U.S. Coast Guard Headquarters, Washington, DC 20593–0001.

(b) Information and requirements for enlistment in the Coast Guard Reserve or concerning the procurement of officers for the Coast Guard Reserve can be obtained from the following offices:

(1) Any Coast Guard Recruiting Office.

(2) Coast Guard Recruiting Center, 4200 Wilson Boulevard, Suite 450, Arlington, VA 22203.

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS¹

16. The authority citation for part 19 continues to read as follows:

Authority: Sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. note prec. 1, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2).

§ 19.06 [Amended]

17. In § 19.06, in paragraphs (b) and (d), remove the word “(G–MVI),” and add, in its place, the word “(G–MOC),”.

PART 20—CLASS II CIVIL PENALTIES

18. The authority citation for part 20 continues to read as follows:

Authority: 33 U.S.C. 1321; 42 U.S.C. 9609; 49 CFR 1.46.

§ 20.102 [Amended]

19. In § 20.102, all paragraph designators are removed.

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

20. The authority citation for part 26 continues to read as follows:

Authority: 14 U.S.C. 2; 33 U.S.C. 1201–1208; 49 CFR 1.45(b), 1.46; Rule 1, International Regulations for the Prevention of Collisions at Sea.

¹ Also codified as 46 CFR part 6.

§ 26.08 [Amended]

21. In § 26.08, in paragraph (a), remove the words "Office of Navigation Safety and Waterway Services," and add, in their place, the words "Marine Safety and Environmental Protection,"; and in paragraph (c) introductory text, remove the words, "Office of Navigation Safety and Waterway Services," and add, in their place, the words "Marine Safety and Environmental Protection,".

PART 45—ENLISTMENT OF PERSONNEL

22. The authority citation for part 45 continues to read as follows:

Authority: 14 U.S.C. 351, 371; 49 CFR 1.46(b).

§§ 45.1 and 45.2 [Amended]

23. In 33 CFR part 45, remove the words "Commandant (G-PMR), U.S. Coast Guard, Washington, DC 20593." and add, in their place, the words "Coast Guard Recruiting Center, 4200 Wilson Boulevard, Suite 450, Arlington, VA 22203." in the following places:

- (a) Section 45.1(b); and
- (b) Section 45.2.

PART 51—COAST GUARD DISCHARGE REVIEW BOARD

24. The authority citation for part 51 continues to read as follows:

Authority: 10 U.S.C. 1553.

§ 51.4 [Amended]

25. In § 51.4, all paragraph designators are removed.

§ 51.9 [Amended]

26. In § 51.9, in paragraph (b), remove the word " (G-PE/44)" and add, in its place, the word "(G-WPM),".

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

27. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 85, 633; 43 U.S.C. 1333; 49 CFR 1.46.

§ 67.10–25 [Amended]

28. In § 67.10–25, in paragraph (a), remove the words "U.S. Coast Guard Short Range Aids to Navigation Division," and add, in their place, the words "the Office of Aids to Navigation, U.S. Coast Guard Headquarters,".

PART 81—72 COLREGS: IMPLEMENTING RULES

29. The authority citation for part 81 is revised to read as follows:

Authority: 33 U.S.C. 1607; E.O. 11964; 49 CFR 1.46.

§ 81.18 [Amended]

30. In § 81.18, in paragraph (b), remove the words "the Office of Navigation Safety and Waterway Services," and add, in their place, the words "Marine Safety and Environmental Protection,".

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

31. The authority citation for part 89 continues to read as follows:

Authority: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 89.18 [Amended]

32. In § 89.18, in paragraph (a), remove the words "Office of Navigation Safety and Waterway Services," and add, in their place, the words "Chief, Marine Safety and Environmental Protection,".

PART 110—ANCHORAGE REGULATIONS

33. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1233 and 1231.

§ 110.128b [Amended]

34. In § 110.128b, in paragraphs (a) and (b), add the words "(Datum: OHD)" following the last sentence.

§ 110.128c [Amended]

35. In § 110.128c, redesignate paragraph (a) as introductory text, and add the words "(Datum: OHD)" following the last sentence.

§ 110.224 [Amended]

36. In § 110.224, the section heading, and in table 110.224(d)(1) in paragraph (d)(2), the entry for Anchorage No. 19 are revised, and Note i following the table is removed and reserved, to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.

* * * * *

(d) * * *

TABLE 110.224(d)(1)

Anchorage No.	General location	Purpose	Specific regulations
19	do	do	Note b.
*	*	*	*

Notes: * * *

i. [Reserved]

* * * * *

§§ 110.236 and 110.237 [Amended]

37. In addition to the amendments set forth above, in 33 CFR part 110, add the words "(Datum: OHD)" following the last sentence in the paragraph in the following places:

- (a) Section 110.236 (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7); and
- (b) Section 110.237(a).

PART 114—GENERAL

38. The authority citation for part 114 is revised to read as follows:

Authority: 33 U.S.C. 401, 491, 499, 521, 525, and 535; 14 U.S.C. 633; 49 U.S.C. 1655(g); 49 CFR 1.46(c).

§ 114.01 [Amended]

39. In § 114.01, in paragraphs (a)(2) and (c)(2) add the word "unreasonably" immediately before the word "obstructive".

§ 114.05 [Amended]

40. In § 114.05, paragraph (l), in both the paragraph heading and text, remove the words "Office of Navigation Safety and Waterway Services" and add, in their place, the word "Operations".

§ 114.50 [Amended]

41. In § 114.50, remove the words "Office of Navigation Safety and Waterway Services," and add, in their place, the words "Chief, Office of Bridge Administration,".

PART 116—ALTERATION OF UNREASONABLY OBSTRUCTIVE BRIDGES

42. The authority citation for part 116 continues to read as follows:

Authority: 33 U.S.C. 401, 521; 49 U.S.C. CFR 1.4, 1.46(c).

§ 116.55 [Amended]

43. In § 116.55, in paragraphs (a) and (b), remove the words "Bridge Administration Division" and add, in their place, the words "Office of Bridge Administration"; and remove the words "Office of Navigation Safety and Waterway Services" and add, in their place, the word "Operations".

§ 116.10, 116.15, 116.20, 116.25, 116.30, 116.35, 116.40, and 116.45 [Amended]

44. In addition to the amendment set forth above, in 33 CFR part 116, remove the words "Bridge Administration Division" and add, in their place, the words "Office of Bridge Administration" in the following places:

- (a) Section 116.10(c);
- (b) Section 116.15 (a), (c), and (d);
- (c) Section 116.20 (a) and (b);

- (d) Section 116.25(a);
 (e) Section 116.30 section heading, paragraphs (a), (d), (e), and (g);
 (f) Section 116.35(c);
 (g) Section 116.40 (a), (b), and (c); and
 (h) Section 116.45 (a) and (b).

PART 117—DRAWBRIDGE OPERATION REGULATIONS

45. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.15 [Amended]

46. In § 117.15, in paragraph (a)(3), remove the word “part” and add, in its place, the word “party”.

§ 117.17 [Amended]

47. In § 117.17, in the text, remove the word “part” and add, in its place, the word “pass”.

§ 117.47 [Amended]

48. In § 117.47, in the section heading and paragraph (a), remove the word “gages” and add, in its place, the word “gauges”; and in the note at the end of

the section, remove the word “gage” and add, in its place, the word “gauge”.

49. In § 117.1051, paragraph (e)(2)(i) is revised to read as follows:

§ 117.1051 Lake Washington Ship Canal.

* * * * *

(e) * * *

(2) * * *

(i) The draw need not open from 7 a.m. to 9 a.m. and from 3:30 p.m. to 6 p.m.

* * * * *

50. In 33 CFR part 117, in Appendix A, the entries for the state of California are revised to read as follows:

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
* * * * *						
California						
Carquinez Strait	7.0	Martinez	Southern Pacific RR	KQ 7193	16	14
Cerritos Channel	4.8	Long Beach	Henry Ford (Badger) Avenue, Port of Los Angeles.	WHX 947	16	13
Channel Street	4.9	Long Beach	Schuyler Heim, CA DOT	KXJ 749	16	13
	0	San Francisco	3rd Street, San Francisco	WXY 959	16	9
	0.2	San Francisco	4th Street, San Francisco	WXY 970	16	9
Connection Slough	2.5	Mandeville Island	South Real Estate Company.	WHV 225	16	9
Cordelia Slough	1.5	Benicia	Southern Pacific RR	KA 98642	16	9
Georgianna Slough	4.5	Isleton	Tyler Island, Sacramento Co.	WHU 246	16	9
Islais Creek	12.4	Walnut Grove	Georgianna Sl, Sacramento, Co.	WHU 254	16	9
	0.4	San Francisco	3rd Street, San Francisco	WXY 977	16	9
	1.0	Terminous	Potato Slough, CA DOT, SR12.	KSK 278	16	9
Little Potato Slough	8.6	Bacon Island	Bacon Island, San Joaquin Co.	WBE 8326	16	9
Middle River	3.0	Isleton	Mokelumne, CA DOT, SR12.	KMJ 382	16	9
Mokelumne River	12.1	Walnut Grove	Millers Ferry, Sacramento, Co.	WBE 8326	16	9
Napa River	2.8	Vallejo	Mare Island Causeway, Navy.	Military license only, No FCC..	16	13
Oakland Inner Harbor Tidal Canal	5.2	Oakland	Park Street, Alameda County.	WHX 996	16	9
	5.6	Oakland	Fruitvale Avenue, Alameda County.	WQB 330	16	9
	6.0	Oakland	High Street, Alameda County.	WHX 488	16	9
Old River	10.4	Orwood	Santa Fe Railroad Bridge	WHU 322	16	9
Pacheco Creek	14.8	Victoria Island	Victoria Island, CA DOT ...	KXE 301	16	9
	1.1	Martinez	Avon, Southern Pacific RR.	KA 97324	16	6
Petaluma River	13.7	Petaluma	D Street Bridge, Petaluma	WQX 644	16	9
Sacramento River	12.8	Rio Vista	Rio Vista, CA DOT, SR12	KMJ 384	16	9
	15.7	Isleton	Isleton, CA DOT, SR160	KMJ 383	16	9
	26.7	Walnut Grove	Walnut Grove, Sacto Co., SR E–13.	KMJ 491	16	9
	33.4	Paintersville	Paintersville, CA DOT, SR160.	KMJ 381	16	9
	46.0	Freeport	Freeport Sacto Co., SR E–9.	KMJ 490	16	9
	59.0	Sacramento	Tower Bridge, CA DOT	KDO 739	16	9
	59.4	Sacramento	I Street Southern Pacific RR.	WHW 554	16	9
San Leandro Bay	0	Alameda	Bay Farm Island, CA DOT	WHX 870	16	9

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES—Continued

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Steamboat Slough	11.2	Courtland	Steamboat Slough, CA DOT, SR160.	WHX 295	16	9
Three Mile Slough	0.1	Rio Vista	Three Mile Slough, CA DOT, SR160.	KMJ 385	16	9
Turner Cut	2.3	McDonald Island	Zuckerman Bros. Br, Delta Farms.	WHV 959	16	9
*	*	*	*	*	*	*

PART 127—LIQUEFIED NATURAL GAS WATERFRONT FACILITIES

51. The authority citation for part 127 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

§ 127.003 [Amended]

52. In § 127.003, in paragraph (a), remove the word “(G-MTH),” and add, in its place, the word “(G-MOC),”; and in paragraph (b), under the entry for National Fire Protection Association, before the words “Batterymarch Park” add the number “1”.

§ 127.015 [Amended]

53. In § 127.015, in paragraphs (c)(1) and (d), remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection”.

PART 140—GENERAL

54. The authority citation for part 140 continues to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

§ 140.7 [Amended]

55. In § 140.7, in paragraph (a), remove the words “Merchant Vessel Inspection and Documentation Division (G-MVI),” and add, in their place, the words “Office of Compliance (G-MOC),”; and in paragraph (b) under American National Standards Institute, remove the words “1430 Broadway, New York, NY 10018” and add, in their place, the words “11 West 42nd Street, New York, NY 10036”.

§ 140.15 [Amended]

56. In § 140.15, paragraph (b), remove the words “Coast Guard Publication CG-190, “Equipment Lists” and add, in their place, the words “COMDTINST M16714.3 (Series) Equipment List” and remove the word “(G-MVI),” and add, in its place, the word “(G-MSE),”.

PART 141—PERSONNEL

57. The authority citation for part 141 is revised to read as follows:

Authority: 43 U.S.C. 1356; 49 CFR 1.46(z).

§ 141.20 [Amended]

58. In § 141.20, in paragraph (c), remove the word “(G-MVP),” and add, in its place, the word “(G-MOC),”.

PART 144—LIFESAVING APPLIANCES

59. The authority citation for part 144 continues to read as follows:

Authority: 43 U.S.C. 1333d; 46 U.S.C. 3102(a); 46 CFR 1.46.

§ 144.30-5 [Amended]

60. In § 144.30-5, in paragraph (a), remove the word “(G-MVI),” and add, in its place, the word “(G-MSE),”.

PART 148—GENERAL

61. The authority citation for part 148 continues to read as follows:

Authority: Secs. 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 (33 U.S.C. 1504(a), (b)); 49 CFR 1.46(s).

§§ 148.211 and 148.217 [Amended]

62. In 33 CFR part 148, remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection” in the following places:

- (a) Section 148.211 introductory text; and
- (b) Section 148.217(a).

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

63. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1321(j)(1)(C) and 1903(b); E.O. 12777; 3 CFR, 1991 Comp. p. 351; 49 CFR 1.46.

§ 151.1012 [Amended]

64. In § 151.1012, in paragraph (a), remove the word “(G-MPS-1),” and add, in its place, the word “(G-MOC),”.

§ 151.1021 [Amended]

65. In § 151.1021, in paragraphs (b)(1) and (c), remove the words “Office of

Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection”.

§ 151.27 and 151.28 [Amended]

66. In addition to the amendments set forth above, in 33 CFR part 151, remove the word “(G-MEP-6)” and add, in its place, the word “(G-MOR)” in the following places:

- (a) Section 151.27(b); and
- (b) Section 151.28(a), (b), and (c).

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

67. The authority citation for part 153 continues to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 1321; 42 U.S.C. 9615; E.O. 12580, 3 CFR, 1987 Comp., p. 193; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.45 and 1.46.

§ 153.103 [Amended]

68. In § 153.103, in paragraph (d), remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection”.

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

69. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6) and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46. Subpart F is also issued under 33 U.S.C. 2735.

§ 154.106 [Amended]

70. In § 154.106, in paragraph (b), under the entry American National Standards Institute, remove the words “1430 Broadway, New York, NY 10018” and add, in their place, the words “11 West 42nd Street, New York, NY 10036”; and under the entry for National Fire Protection Association, before the words “Batterymarch Park” add the number “1”.

§ 154.108 [Amended]

71. In § 154.108, in paragraphs (a) and (d), remove the words "Office of Marine Safety, Security and Environmental Protection" and add, in their place, the words "Marine Safety and Environmental Protection".

§ 154.1075 [Amended]

72. In § 154.1075, in paragraph (d), remove the word "(G-MEP)," and add, in its place, the word "(G-MOR)."

Appendix C, Part 154 [Amended]

73. In 33 CFR part 154, in Appendix C, in paragraph 6.3.2, remove the word "(G-MEP-6)," and add, in its place, the word "(G-MOR)."

§§ 154.800, 154.802, 154.806, 154.822, 154.826, 154.828, and Appendix A [Amended]

74. In addition to the amendments set forth above, in 33 CFR part 154, remove the word "(G-MTH)" and add, in its place, the word "(G-MSO)" in the following places:

- (a) Section 154.800(b);
- (b) Section 154.802, in the definition of *certifying entity*;
- (c) Section 154.806(a), (b), (d), and the note at the end of the section;
- (d) Section 154.822(a)(2) and (b);
- (e) Section 154.826(a)(3);
- (f) Section 154.828(a)(3); and
- (g) Appendix A to part 154, introductory text.

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

75. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 155.140 [Amended]

76. In § 155.140, in paragraph (a), remove the words "Marine Environmental Protection Division (G-MEP), room 2100," and add, in their place the words "Office of Compliance (G-MOC)."; and in paragraph (b), under the entry for Oil Companies International Marine Forum, remove the words "6th Floor, Portland House, Stag Place, London SW1E 5BH England" and add, in their place, the words "15th Floor, 96 Victoria Street, London SW1E 5JW England".

§ 155.1035 [Amended]

77. In § 155.1035, in paragraph (b)(5)(i), remove the word "G-MOS-4" and add, in its place, the word "G-MSO-4".

§ 155.1065 [Amended]

78. In § 155.1065, in paragraph (a), remove the word "(G-MRO)," and add, in its place, the word "(G-MOR)."

§ 155.1070 [Amended]

79. In § 155.1070, paragraph (f), remove the words "Office of Marine Safety and Environmental Protection," and add, in their place, the words "Marine Safety and Environmental Protection,".

Appendix B to Part 155 [Amended]

80. In 33 CFR part 155, in Appendix B to the part, in paragraph 6.5, remove the word "(G-MRO)" and add, in its place, the word "(G-MOR)".

PART 156—OIL AND HAZARDOUS MATERIAL TRANSFER OPERATIONS

81. The authority citation for part 156 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C) and (D); 46 U.S.C. 3703a. Subparts B and C are also issued under 46 U.S.C. 3715.

§ 156.110 [Amended]

82. In § 156.110, in paragraphs (a) and (d), remove the words "Office of Marine Safety, Security and Environmental Protection," and add, in their place, the words "Marine Safety and Environmental Protection,".

§ 156.111 [Amended]

83. In § 156.111, in paragraph (a), remove the words "Marine Environmental Protection Division (G-MEP), room 2100," and add, in their place the words "Office of Compliance (G-MOC)."

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

84. The authority citation for part 157 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703, 3703a (note); 49 CFR 1.46. Subpart G is issued under section 4115(b), Pub. L. 101-380, 104 Stat. 520.

85. Section 157.03 is revised to read as follows:

§ 157.03 Definitions.

Except as otherwise stated in a subpart:

Amidships means the middle of the length.

Ballast voyage means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

Breadth or B means the maximum molded breadth of a vessel in meters.

Cargo tank length means the length from the forward bulkhead of the

forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

Center tank means any tank inboard of a longitudinal bulkhead.

Clean ballast means ballast which:

(1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.m.

Combination carrier means a vessel designed to carry oil or solid cargoes in bulk.

Crude oil means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

Deadweight or DWT means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

Dedicated clean ballast tank means a cargo tank that is allocated solely for the carriage of clean ballast.

Domestic trade means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

Double bottom means watertight protective spaces that do not carry any oil and which separate the bottom of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

Double hull means watertight protective spaces that do not carry any oil and which separate the sides, bottom, forward end, and aft end of tanks that hold any oil within the cargo tank length from the outer skin of the vessel as prescribed in § 157.10d.

Doublesides means watertight protective spaces that do not carry any oil and which separate the sides of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

Existing vessel means means any vessel that is not a new vessel.

Foreign trade means any trade that is not domestic trade.

From the nearest land means means from the baseline from which the

territorial sea of the United States is established in accordance with international law.

Inland vessel means a vessel that is not oceangoing and that does not operate on the Great Lakes.

Instantaneous rate of discharge of oil content means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

Integrated tug barge means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

Large primary structural member includes any of the following:

- (1) Web frames.
- (2) Girders.
- (3) Webs.
- (4) Main brackets.
- (5) Transverses.
- (6) Stringers.

(7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than $\frac{1}{15}$ of the total depth of the tank.

Length or *L* means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

Lightweight means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

Major conversion means a conversion of an existing vessel that:

- (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;
- (2) Changes the type of vessel;
- (3) Substantially prolongs the vessel's service life; or
- (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (G-MOC).

MARPOL Protocol means the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978. This Protocol incorporates and modifies the International Convention for the

Prevention of Pollution from Ships, 1973, done at London on November 2, 1973.

New vessel means:

- (1) A U.S. vessel in domestic trade that:
 - (i) Is constructed under a contract awarded after December 31, 1974;
 - (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;
 - (iii) Is delivered after December 31, 1977; or
 - (iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that:

- (i) Is constructed under a contract awarded after December 31, 1975;
- (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;
- (iii) Is delivered after December 31, 1979; or
- (iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

Oceangoing has the same meaning as defined in § 151.05 of this chapter.

Oil means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.

Oil fuel means any oil used as fuel for machinery in the vessel in which it is carried.

Oil spill response vessel means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

Oil tanker means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as

well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

Oil mixture means a mixture with any oil content.

Permeability of a space means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of that space.

Product means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

Segregated ballast means the ballast water introduced into a tank that is completely separated from the cargo oil and oil fuel system and that is permanently allocated to the carriage of ballast.

Slop tank means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

Tank means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

Tank barge means a tank vessel not equipped with a means of self-propulsion.

Tank vessel means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (1) Is a vessel of the United States;
- (2) Operates on the navigable waters of the United States; or
- (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in fishing industry.

Tankship means a tank vessel propelled by mechanical power or sail.

Wing tank means a tank that is located adjacent to the side shell plating.

§ 157.06 [Amended]

85a. In § 157.06, in paragraph (c), remove the words "Office of Merchant Marine Safety" and add, in their place, the words "Marine Safety and Environmental Protection", each time they appear in the paragraph.

§ 157.06 and 157.306 [Amended]

86. In addition to the amendments set forth above, in 33 CFR part 157, remove the words "Office of Marine Safety, Security and Environmental Protection" and add, in their place, the words "Marine Safety and Environmental Protection" in the following places:

- (a) Section 157.06(c);

- (b) Section 157.06(d); and
(c) Section 157.306(a).

§§ 157.04, 157.24a, 157.102, 157.110, 157.144, 157.147, 157.202, 157.208, 157.302, and 157.306 [Amended]

87. In addition to the amendments set forth above, in 33 CFR part 157, remove the word “(G-MVI)” and add, in its place, the word “(G-MOC)” in the following places:

- (a) Section 157.04(b) and (d)(5);
- (b) Section 157.24a (b)(1) and (c)(1);
- (c) Section 157.102 introductory text;
- (d) Section 157.110 introductory text;
- (e) Section 157.144(a);
- (f) Section 157.147(a);
- (g) Section 157.202 introductory text;
- (h) Section 157.208 introductory text;
- (i) Section 157.302(a); and
- (j) Section 157.306(c).

PART 158—RECEPTION FACILITIES FOR OIL, NOXIOUS LIQUID SUBSTANCES, AND GARBAGE

88. The authority citation for part 158 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 49 CFR 1.46.

89. Section 158.140(a)(2) is revised to read as follows:

§ 158.140 Applying for a Certificate of Adequacy.

- (a) * * *
- (1) * * *

(2) An applicant for a Certificate of Adequacy required by section 158.135(c) must apply on Form C to the COTP of the Zone in which the or terminal is located.

* * * * *

§ 158.160 [Amended]

90. In § 158.160, in paragraph (c) introductory text, remove the words “Commandant (G-MPS-1) or”.

§ 158.190 [Amended]

91. In § 158.190, in paragraphs (c)(1) and (d), remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection”.

PART 159—MARINE SANITATION DEVICES

92. The authority citation for part 159 continues to read as follows:

Authority: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1)); 49 CFR 1.45(b) and 1.46 (l) and (m).

93. Section 159.3 is revised to read as follows:

§ 159.3 Definitions.

In this part:

Coast Guard means the Commandant or his authorized representative.

Discharge includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

Existing vessel includes any vessel, the construction of which was initiated before January 30, 1975.

Fecal coliform bacteria are those organisms associated with the intestine of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

Inspected vessel means any vessel that is required to be inspected under 46 CFR Ch. I.

Manufacturer means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

Marine sanitation device and *device* includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

New vessel includes any vessel, the construction of which is initiated on or after January 30, 1975.

Person means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

Public vessel means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

Recognized facility means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

Sewage means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

Territorial seas means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

Type I marine sanitation device means a device that, under the test conditions described in §§ 159.123 and 159.125, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.

Type II marine sanitation device means a device that, under the test conditions described in §§ 159.126 and 159.126a, produces an effluent having a

fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

Type III marine sanitation device means a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage.

Uninspected vessel means any vessel that is not required to be inspected under 46 CFR Chapter I.

United States includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

Vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

§ 159.201 [Amended]

94. In § 159.201, in paragraph (a), remove the word “(G-MVI),” and add, in its place, the word “(G-MOC),”.

§§ 159.12, 159.15, 159.17, 159.19, and 159.205 [Amended]

95. In addition to the amendments set forth above, in 33 CFR part 159, remove the word “(G-MVI),” and add, in its place, the word “(G-MSE),” in the following places:

- (a) Section 159.12(c);
- (b) Section 159.15 (a) and (c);
- (c) Section 159.17 (a) and (c);
- (d) Section 159.19(a); and
- (e) Section 159.205 (j) and (k).

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

96. The authority citation for part 160 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 3703a (note); 49 CFR 1.46. Section 160.207(c)(5) is issued under 4115(b), Pub. L. 101-380, 104 Stat. 520.

§ 160.7 [Amended]

97. In § 160.7, in paragraph (c), remove the words “Office of Marine Safety, Security and Environmental Protection” and add, in their place, the words “Marine Safety and Environmental Protection” wherever it appears in the paragraph.

§ 160.113 [Amended]

98. In § 160.113, in paragraph (d), remove the word “operationg” and add, in its place, the word “operating”.

§ 160.201 [Amended]

99. In § 160.201, in paragraph (c) introductory text, remove the words “Sections 160.207 and 160.209 do” and

add, in their place, the words "Section 160.207 does".

PART 164—NAVIGATION SAFETY REGULATIONS

100. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502 sec. 4114(a), Pub. L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

§ 164.03 [Amended]

101. In § 164.03, in paragraph (a), remove the words "U.S. Coast Guard, Marine Environmental Protection Division (G-MEP), room 2100" and add, in their place, the words "Office of Vessel Traffic Management (G-MOV), Coast Guard Headquarters".

§ 164.41 [Amended]

102. In § 164.41, in paragraph (a)(3), remove the words "Office of Navigation Safety and Waterway Services," and add, in their place, the words "Chief, Operations,".

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

103. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

Part 165, Subpart F [Amended]

104. In 33 CFR part 165, in the Table of Contents, under Subpart F, remove the entry for § 165.T01-134.

§ 165.T01-005 [Removed]

105. Section 165.T01-005 is removed.

§§ 165.202, 165.203, and 165.204 [Redesignated as §§ 165.815, 165.817, and 165.819]

106. Sections 165.202, 165.203, and 165.204 are redesignated as sections 165.815, 165.817, and 165.819.

§ 165.702 [Removed]

107. Section 165.702 is removed.

§ 165.1112 [Removed]

Section 165.1112 is removed.

§ 165.1402 [Amended]

108. In § 165.1402, in paragraphs (a) and (b)(4), add the words "(Based on WGS 84 Datum)" following the last sentence in the paragraph.

§ 165.1406 [Amended]

109. In § 165.1406, in paragraph (a), add the words "(Datum: OHD)" following the last sentence in the paragraph.

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

110. The authority citation for part 174 continues to read as follows:

Authority: 46 U.S.C. 6101, 12302; 49 CFR 1.46.

§ 174.3 [Amended]

111. In § 174.3, all paragraph designators are removed.

§§ 174.7 and 174.125 [Amended]

112. In addition to the amendments set forth above, in 33 CFR part 174, remove the words "U.S. Coast Guard Auxiliary, Boating, and Consumer Affairs Division," and add, in their place, the words "Office of Boating Safety," in the following places:

- (a) Section 174.7; and
- (b) Section 174.125.

PART 179—DEFECT NOTIFICATION

113. The authority citation for part 179 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 4302, 4307, 4310, and 4311; 49 CFR 1.46.

§ 179.19 [Amended]

114. In § 179.19, in the text, remove the words "U.S. Coast Guard Recreational Boating Product Assurance Branch," and add, in their place, the words "Recreational Boating Product Assurance Division,".

PART 181—MANUFACTURER REQUIREMENTS

115. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 4302 and 4310; 49 CFR 1.46.

116. Section 181.3 is revised to read as follows:

§ 181.3 Definitions.

As used in this part:

Associated equipment means:

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to, a boat; and

(3) Any marine safety article, accessory, or equipment intended for use by a person or board a boat; but

(4) Excluding radio equipment.

Boat means any vessel manufactured or used primarily for noncommercial use; leased, or rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

Date of certification means the date on which a boat or item of associated

equipment is certified to comply with all applicable U.S. Coast Guard safety standards in effect on that date.

Date of manufacture means the month and year during which construction or assembly of a boat or item of associated equipment begins.

Manufacturer means any person engaged in:

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation into the United States for sale of boats, associated equipment, or components thereof.

Model year means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

Private label merchandiser means any person engaged in the business of selling and distributing, under his own trade name, boats, or items of associated equipment manufactured by another.

§ 181.4 [Amended]

117. In § 181.4, paragraph (a), remove the words "United States Coast Guard Survival Systems Branch (G-MVI-3)," and add, in their place, the words "Lifesaving and Fire Safety Standards Division (G-MSE-4),".

§§ 181.31 and 181.33 [Amended]

118. In addition to the amendments set forth above, in 33 CFR part 181, remove the words "U.S. Coast Guard Recreational Boating Product Assurance Branch," and add, in their place, the words "Recreational Boating Product Assurance Division," in the following places:

- (a) Section 181.31 (a) and (b); and
- (b) Section 181.33(b).

PART 183—BOATS AND ASSOCIATED EQUIPMENT

119. The authority citation for part 183 continues to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

120. In Section 183.3 the definitions are revised to read as follows:

§ 183.3 Definitions.

Beam means the transverse distance between the outer sides of the boat excluding handles, and other similar fittings, attachments, and extensions.

Boat means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

Full transom means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

Length means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

Monohull boat means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or a pontoon boat is not a monohull boat.

Motorwell means any arrangement of bulkheads or structures that prevents water from entering the passenger carrying area of the boat through any cutout area in the transom for mounting an outboard motor.

Motorwell height means the vertical distance from the lowest point of water ingress along the top of the motorwell to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.

Permanent appurtenances means equipment that is mounted or fastened, so that it is not removable without the use of tools. Seats, inboard engines, windshields, helm stations, or hardtops are permanent appurtenances. Outboard motors, controls, batteries, and portable fuel tanks are not permanent appurtenances.

Remote steering means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

Sailboat means a boat designed or intended to use sails as the primary means of propulsion.

Sheer means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

Transom means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

Vessel includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

* * * * *

§ 183.5 [Amended]

121. In § 183.5, in paragraph (a), remove the words "United States Coast Guard Recreational Boating Product Assurance Branch," and add, in their place, the words "Recreational Boating Product Assurance Division,"; and in paragraph (b), under the entry for Institute of Electrical and Electronic Engineers, remove the words "3435 East 47th Street, New York, NY 10017" and add, in their place, the words "445 Hoes Lane, Piscataway, NJ 08854"; and under the entry for National Fire Protection Association, before the words "Batterymarch Park" add the number "1".

§ 183.110 [Amended]

122. In § 183.110, in the definition of *ASTM*, remove the words "Room 4210," and add, in their place, the words "Room 1308,"; and remove the word "approved" and add, in its place, the word "approved".

§ 183.402 [Amended]

123. In § 183.402, all paragraph designators are removed.

PART 187—VESSEL IDENTIFICATION SYSTEM

124. The authority citation for part 187 continues to read as follows:

Authority: 46 U.S.C. 2103; 49 CFR 1.46.

§§ 187.7 and 187.9 [Amended]

125. In 33 CFR part 187, remove the word "(G-NAB)" and add, in its place, the word "(G-OPB)" in the following places:

- (a) Section 187.7(a); and
- (b) Section 187.9(b).

Dated: June 21, 1996.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96-16488 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD08-96-015]

RIN 2115-AE46

Special Local Regulations: Kentucky Drag Boat Association Races; Green River Mile 70.0-71.5, Livermore, KY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Kentucky Drag Boat Association races. This event will be held on June 26-30, 1996 from 9 a.m. until 7 p.m. at Livermore, Kentucky. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: This rule is effective at 9 a.m. on June 28, 1996 and will terminate at 7 p.m. on June 30, 1996.

FOR FURTHER INFORMATION CONTACT: LT Gregory A. Howard, Chief, Port Operations Department, USCG Marine Safety Office, Louisville, Kentucky at (502) 582-5194, ext. 39.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. § 553, a notice of proposed rule making for these regulations has not been published and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would be impracticable. The details of the event were not finalized in sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a series of quarter mile drag boat races. The event is sponsored by the Kentucky Drag Boat Association. The course to be followed by the race participants will be marked by precisely placed marker buoys positioned at various points along the quarter mile course. Commercial vessels will be permitted to transit the area every three hours.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

For the reasons stated above, the Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B, (as revised by 61 FR 13563; March 27, 1996) this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety Navigation (water), Reporting and Recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. A temporary § 100.35 T08-015 is added to read as follows:

§ 100.35 T08-015 Green River near Livermore, Kentucky.

(a) *Regulated area:* Green River mile 70.0-71.5.

(b) *Special local regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. "Participants" are those persons and/or vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessel assigned to patrol the event. The Coast Guard "Patrol Commander" is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No spectators shall anchor, block, loiter in, or impede the transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM".

(C) *Effective Dates.* This rule is effective from 9 a.m. June 28, 1996 to 7 p.m. June 30, 1996.

Dated: June 11, 1996.

R.C. North,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 96-16598 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-96-051]

RIN 2115-AA97

Safety Zone: 100th Anniversary of Fort Hancock Fireworks Display, Sandy Hook Bay, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the "100th Anniversary of Fort Hancock" fireworks display located in Sandy Hook Bay, New Jersey. The safety zone is in effect from 9 p.m. until 10:45

p.m. on Saturday June 29, 1996, with a rain date of Sunday June 30, 1996, at the same times. The safety zone temporarily closes all waters of Sandy Hook Bay within a 330 yard radius of a fireworks barge anchored approximately 700 yards west of Sandy Hook Lighthouse.

EFFECTIVE DATE: This rule is effective from 9 p.m. until 10:45 p.m. on Saturday June 29, 1996. In case of inclement weather, this rule is effective on Sunday June 30, 1996, at the same times, unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Waterways Oversight Branch, Coast Guard Activities New York, at (212) 668-7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after Federal Register publication. Due to the date on which complete information regarding this event was received, there was insufficient time to draft and publish a NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to protect the maritime public from the hazards associated with fireworks exploding from a barge in the waters of Sandy Hook Bay, New Jersey.

Background and Purpose

Fireworks By Grucci, Inc., submitted an Application for Approval of Marine Event to hold a fireworks display on the waters of Sandy Hook Bay. The fireworks program is being sponsored by the Sandy Hook Foundation. This regulation establishes a temporary safety zone in all waters of Sandy Hook Bay within a 330 yard radius of the fireworks barge anchored approximately 700 yards west of Sandy Hook Lighthouse at approximately 40°27'40" N latitude, 074°00'36" W longitude (NAD 1983). The safety zone is in effect from 9 p.m. until 10:45 p.m. on June 29, 1996, with a rain date of June 30, 1996, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of Sandy Hook Bay, adjacent to the western shoreline of Sandy Hook, in the vicinity of Sandy Hook Lighthouse, and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation closes a portion of Sandy Hook Bay approximately 700 yards west of Sandy Hook Lighthouse, New Jersey, to vessel traffic from 9 p.m. until 10:45 p.m. on Saturday, June 29, 1996, with a rain date of Sunday, June 30, 1996, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. This section of Sandy Hook Bay is mainly used by recreational vessels and a limited number of commercial fishing vessels. Although the regulation prevents traffic from transiting this area, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; the zone is not located within a marked channel; vessel traffic may safely pass to the west of this area; and the extensive, advance advisories which will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are not independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or

organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. (34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary § 165.T01–051, is added to read as follows:

§ 165.T01–051 Safety Zone: 100th Anniversary of Fort Hancock Fireworks Display, Sandy Hook Bay, New Jersey.

(a) *Location.* The waters of Sandy Hook Bay within a 330 yard radius of the fireworks barge anchored approximately 700 yards west of Sandy Hook Lighthouse at approximately 40°27'40" N latitude, 074°00'36" W longitude (NAD 1983).

(b) *Effective period.* This section is effective from 9 p.m. until 10:45 p.m. on

June 29, 1996. In case of inclement weather, this section is effective on June 30, 1996, at the same times, unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.* (1) The general regulations contained in 33 C.F.R. 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 18, 1996.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 96–16599 Filed 6–27–96; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–96–047]

RIN 2115–AA97

Safety Zone: Heritage of Pride Fireworks Display, Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Heritage of Pride fireworks display located on the Hudson River, NY. The safety zone is in effect from 9:30 p.m. until 11:30 p.m. on Sunday, June 30, 1996. The safety zone temporarily closes all waters of the Hudson River within a 300 yard radius of a fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between Pier 32 and Pier 26.

EFFECTIVE DATE: This rule is effective from 9:30 p.m. until 11:30 p.m. on Sunday, June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. W. Green, Waterways Oversight Branch, Coast Guard Activities New York, at (212) 668–7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after Federal Register

publication. Due to the date on which complete information regarding this event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to protect the maritime public from the hazards associated with fireworks exploding from a barge on the waters on the Hudson River.

Background and Purpose

Heritage of Pride Inc., submitted an Application for Approval of Marine Event to hold a fireworks program on the Hudson River. This regulation establishes a temporary safety zone in all waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between pier 32 and pier 26. The safety zone is in effect from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation closes a portion of the Hudson River to vessel traffic from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area on the eastern side of the Hudson River, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a later hour; vessel traffic may safely pass to the west of this area; the advance advisories which will be made; and that this event has been held annually for the past several years between pier 45 and pier 49 without incident or

complaint. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are not independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environment impact of this regulation and concluded that under section 2.B.2.e. (34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary § 165.T01–047, is added to read as follows:

§ 165.T01–047 Safety Zone: Heritage of Pride Fireworks Display, Hudson River, New York.

(a) *Location.* All waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between Pier 32 and Pier 26.

(b) *Effective period.* This section is effective from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 18, 1996.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 96–16600 Filed 6–27–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 8

[FRL–5528–8]

Removal of Outdated Regulations Governing Contractor Compliance With Equal Employment Opportunity Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In 1978, the administration and enforcement responsibility for contractor compliance with equal employment opportunity was transferred from contracting agencies like EPA to the Department of Labor, Office of Federal Contract Compliance Programs. OFCCP promulgated revised regulations governing contractor compliance with equal employment opportunity at 41 CFR part 60. Therefore, it is the opinion of EPA, with the concurrence of OFCCP, that the EPA regulations at 40 CFR part 8 are outdated and no longer necessary.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Rodney Cash at (202) 260-4582, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Mail Code 1205).

SUPPLEMENTARY INFORMATION:

A. Background

President Clinton has directed each federal agency to determine which agency regulations can be deleted because they are obsolete, confusing, or unenforceable. This effort is aimed at making our regulations easier to understand by removing those which are no longer necessary. This final rule eliminates an entire part of the CFR which is now outdated and unnecessary.

The purpose of the EPA regulations at 40 CFR Part 8 was to fulfill EPA's responsibilities under Executive Order 11246. Executive Order 11246 requires that employers holding covered Federal contracts and federally assisted construction contracts comply with non-discrimination and affirmative action requirements to ensure equal employment opportunities without regard to race, color, religion, sex or national origin.

The basis for repealing these regulations is that the regulatory scheme has since been vested in another set of regulations promulgated by the Office of Contractor Compliance Programs (OFCCP) at the Department of Labor. EPA, as a contracting agency, formerly had the responsibility for administration and enforcement of equal employment opportunity obligations of its contractors. In 1978, however, that authority was removed from EPA and transferred to OFCCP by Executive Order 12086. The original EPA regulations only serve to mislead and confuse the regulated entities and those who might seek redress through enforcement. For these reasons, EPA is "housecleaning" and removing these outdated, unnecessary regulations from the CFR. The pertinent regulations

governing these contractor compliance issues are now handled exclusively by OFCCP.

B. Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

This rule does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

E. Unfunded Mandates

This final rule does not impose unfunded mandates on state and local entities or others. No new compliance mandates would be created by the removal of these regulations.

List of Subjects in 40 CFR Part 8

Environmental protection.

Dated: June 21, 1996.

Carol M. Browner,
Administrator.

PART 8—[REMOVED]

For the reasons set out in the preamble, under authority of section 201, Executive Order 11246, 30 FR 12319, and 41 CFR 60-1.6(c), EPA is removing 40 CFR Part 8.

[FR Doc. 96-16586 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[KY86-2-6933a; FRL-5456-4]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Kentucky State Implementation Plan (SIP) submitted on December 29, 1994, by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet

(Cabinet). The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28, 1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act.

DATES: This final rule is effective August 27, 1996 unless notice is received by July 29, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is (404) 347-3555 ext. 4216.

SUPPLEMENTARY INFORMATION: On December 29, 1994, the Commonwealth of Kentucky through the Cabinet, submitted revisions to the Kentucky SIP. The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28,

1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act. The following revisions apply to both 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants.

1. Section 1. Applicability. This section was revised and contains language that details which facilities must comply with this regulation. These revisions do not relax the applicability requirements. Additionally, this section was renumbered to be section 2.

2. Section 2. Definitions. This section was renumbered as Section 1.

3. Section 3. VOCs. Paragraph 4, which reads as follows, "The vapor balance system must be equipped with interlocking devices which prevent transfer of gasoline until the vapor return hose is connected" was deleted. This regulation was deleted because new technology has been developed which deems it obsolete.

4. Section 6. Compliance Timetable. This section, which outlines the timeframe for compliance with this regulation, is being added.

5. Section 7. Exemptions. is being added. It reads as follows: "An affected facility shall be exempt from this administrative regulation if the throughput is less than 4,000 gal/day. A rolling thirty (30) day average shall be allowed for determining applicability." This exemption is consistent with EPA policy.

Final Action

EPA is approving the above referenced revisions to the Kentucky SIP because they meet the requirements of the EPA and the Clean Air Act (CAA). This action is being taken without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on August 27 1996 unless, by July 29, 1996 adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so

at this time. If no such comments are received, the public is advised that this action will be effective August 27, 1996.

Under Section 307(b) (1) of the CAA, 42 U.S.C. 7607(b) (1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b) (2) of the CAA, 42 U.S.C. 7607(b) (2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.* EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. Section 603 and Section 604.

Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the

CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action.

The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. Section 7410(a)(2) and 7410(k)(3).

Unfunded Mandates

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain duties. EPA has examined whether the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Particulate Matter, Reporting and Recordkeeping requirements, Sulfur Oxides.

Dated: March 12, 1996.

Phyllis Harris,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c) (84) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(84) Revisions to the Kentucky State Implementation Plan submitted by the Natural Resources and Environmental Protection Cabinet on December 29, 1994. The regulations being revised are 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants.

(i) Incorporation by reference. Division for Air Quality regulations 401 KAR 59:101 New bulk gasoline plants, and 401 KAR 61:056 Existing bulk gasoline plants, effective September 28, 1994.

(ii) Additional material. None.

[FR Doc. 96-16154 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AK13-7101a; FRL-5523-7]

Clean Air Act Attainment Extension for the Municipality of Anchorage Area Carbon Monoxide Nonattainment Area: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action grants a one (1) year attainment date extension for the Municipality of Anchorage (MOA), Alaska carbon monoxide (CO) nonattainment area. The MOA area failed to attain the National Ambient Air Quality Standard (NAAQS) for CO by the December 31, 1995 deadline pursuant to the 1990 Clean Air Act Amendments (CAAA). CO attainment is based on eight (8) consecutive quarters (two years) of clean air quality data. There were two (2) exceedances of the CO NAAQS recorded in the nonattainment area in 1994, and no exceedances in 1995. Due to no exceedances in 1995 and the State's compliance with all requirements and commitments pertaining to the MOA area in the Alaska State Implementation Plan (SIP), an extension to meet the standards by December 31, 1996 is granted. This action is based on 1994 and 1995 monitored air quality data for the CO NAAQS.

DATES: This action is effective on August 27, 1996 unless adverse or critical comments are received by July 29, 1996. If the effective date is delayed,

timely notice will be published in the Federal Register.

ADDRESSES: Comments should be addressed to Tamara Langton, Environmental Protection Specialist, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101; the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska, 99801-1795.

FOR FURTHER INFORMATION CONTACT: Tamara Langton, Environmental Protection Specialist, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-2709.

SUPPLEMENTARY INFORMATION:**I. Background**

A. CAAA Requirements and EPA Actions Concerning Designation and Classification

The 1990 CAAA created a new classification structure for CO nonattainment areas which was based upon the severity of the nonattainment problem. For moderate CO nonattainment areas with a design value between 9.1-16.4 parts per million (ppm), the attainment date was to be as expeditious as practicable but no later than December 31, 1995.

The air quality planning requirements for moderate CO nonattainment areas are set out in sections 186-187 of the CAAA which pertain to the classification of CO nonattainment areas and submission of SIP requirements for these areas, respectively. The EPA issued a "General Preamble" which stated EPA's preliminary views concerning how EPA intended to review SIP's and SIP revisions submitted as required under Title I of the Act, [See generally 57 FR 13489 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. States containing CO moderate nonattainment areas with design values of 9.1-16.4 ppm were required to submit SIP's for these areas on or before November 15, 1992 which would provide for attainment by December 31, 1995.

B. Attainment Determinations

The EPA has the responsibility for determining whether a nonattainment area has attained the CO NAAQS by the applicable attainment date.¹ The EPA has the responsibility of making

attainment determinations for moderate CO nonattainment areas by no later than six (6) months after the December 31, 1995 attainment date for these areas.

The EPA will be making attainment determinations for CO nonattainment areas based upon whether an area has 8 consecutive quarters (2 years) of clean air quality data. No special or additional SIP submittal is required from the State for this determination. Section 179(c)(1) of the Act provides that the attainment determination is to be based upon an area's "air quality as of the attainment date." The EPA will make the determination of whether an area's air quality is meeting the CO NAAQS by the applicable attainment date based upon the most recent 2 years of data gathered from air quality monitoring sites which have been entered into the Aerometric Information Retrieval System (AIRS) data base.

A CO nonattainment area's air quality status is determined in accordance with 40 CFR Part 50.8, and in accordance with EPA policy as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled "Ozone and Carbon Monoxide Design Value Calculations", June 18, 1990. CO design values are discussed in terms of the 8-hour CO NAAQS. The 1-hour CO design value should be computed in the same manner as the 8-hour NAAQS.

The CO NAAQS requires that not more than 1, 8-hour average per year can exceed 9.0 ppm (9 greater than or equal to 9.5 ppm to adjust for rounding). CO attainment is evaluated by reviewing 8 quarters or a total of 2 consecutive and complete years of data. If an area has a design value greater than 9.0 ppm, this serves as an indication that a monitoring site in the area, where the second-highest (non-overlapping) 8-hour average was measured, had CO concentrations measured at levels greater than 9.0 ppm in at least 1 of the 2 years. This indicates that there were at least 2 values above the standard (9.0 ppm) during 1 of the 2 years (1994) being reviewed at a particular monitoring site, thus the standard was not met.

C. Application for a 1-year Extension of the Attainment Date

If the State does not have the 2 consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to section 186(a)(4) of the Act, a State may apply for and EPA may grant a 1-year extension of the attainment date if the State has: (1) complied with the requirements and commitments pertaining to the

¹ See sections 179(c) and 186(b)(2) of the Act.

applicable implementation plan for the area, and (2) the area has measured no more than 1 exceedance of CO NAAQS at any monitoring site in the nonattainment area in the year preceding the extension year. If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or does not qualify for an attainment date extension, the area will be reclassified as serious by operation of law.

The authority delegated to the Administrator to extend attainment dates for moderate areas is discretionary. Section 186(a)(4) of the Act provides that the Administrator "may" extend the attainment date for areas that meet the minimum requirements specified above. The provision does not dictate or compel that EPA grant extensions to such areas. In exercising this discretionary authority for CO nonattainment areas, EPA will examine the air quality planning progress made in the moderate area. EPA will be disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate CO planning obligations for the area. In order to determine whether the State has substantially met these planning requirements the EPA will review the States application for the attainment date extension to determine whether the State has: (1) adopted and substantially implemented control measures to satisfy the requirement for the moderate CO nonattainment area; and (2) that reasonable further progress is being met for the area.

If the State cannot make a sufficient demonstration that the area has complied with the extension criteria stated above, and EPA determines that the area has not timely demonstrated attainment of the CO NAAQS, the area will be reclassified as serious by operation of law pursuant to section 186(b)(2) of the Act. If an extension is granted, at the end of the extension year, EPA will again review the area's air quality data to determine whether the area has attained the CO NAAQS.

II. Summary of Today's Action

EPA is, by today's action, granting the State of Alaska's request for a 1-year extension of the CO attainment date for the MOA area. The MOA area failed to meet the December 31, 1995 CO attainment date. This actions extends the attainment date from December 31, 1995, to December 31, 1996.

A. Granting the CO Nonattainment Area Extension

If a State containing a moderate CO nonattainment area does not have the 8 quarters (2 consecutive years) of clean air quality data to demonstrate that the area has attained the CO NAAQS, the State may apply for a 1-year extension of the attainment date. The EPA may extend the attainment date for 1 year only if the State submits an application for the affected nonattainment area satisfying all of the following requirements:

1. Air Quality Data

Pursuant to section 186(a)(4)(B) of the CAAA, an area must have no more than 1 exceedance of the 8-hour CO NAAQS in the year proceeding the extension year at any 1 monitoring site in the nonattainment area.

The MOA nonattainment area has four (4) CO Special Purpose Monitoring (SPM) sites: Benson/Spenard, Sand Lake, Garden and Seward/Benson. Sampling at these sites is conducted every day. Data from these sites has been deemed valid by EPA and submitted by the State of Alaska for inclusion in the EPA's air quality data system, AIRS.

A review of the data for calendar years 1994 through 1995 for the MOA CO nonattainment area shows 2 exceedances in 1994. These exceedances occurred on November 30 and December 7, 1994; both at the Seward/Benson SPM site. The 8-hour CO NAAQS average was 11.3 and 11.0 ppm, respectively. There were no exceedances in 1995; therefore, this requirement has been met.

2. Compliance With Applicable SIP

Pursuant to section 186(a)(4)(A) of the CAAA, a State must demonstrate that it has complied with all requirements and commitments pertaining to the "affected nonattainment area" in the applicable implementation plan. The State of Alaska is in compliance with this requirement.

EPA has approved portions of the Alaska CO SIP (see 60 FR 17232 and 60 FR 33727). The State of Alaska is currently amending the SIP regarding the biennial Inspection and Maintenance (I/M) program mandated by the Alaska State legislature. Primary changes are modifications required to implement biennial I/M testing and modeling results which can demonstrate that the MOA can meet CAAA requirements.

3. Substantial Implementation of Control Measures

The State of Alaska has developed and implemented substantial control measures for CO in the MOA nonattainment area. These control measures consist of the federal emission controls required for new vehicles, the ethanol-blended fuels program, the I/M program, and the rideshare program.

4. Emission Reduction Progress

The historical trend in the MOA's air quality has been toward lower CO levels. CO concentrations have decreased from a second-high 8-hour average of 26.2 ppm and 40 violations in 1980, to a second-high 8-hour average of 8.4 ppm and zero violations in 1995. The continued improvement in CO concentrations in the MOA has been achieved mainly by emission reductions resulting from turnover of the vehicle fleet, required vehicle repairs and maintenance under the I/M program, and the mandatory wintertime use of ethanol blends. These control measures and emission reductions are permanent and enforceable.

The continued implementation of the I/M and ethanol fuels program, combined with the Federal Motor Vehicle Control Program and the recent rideshare program is expected to result in further decreases in CO emissions and ambient concentrations in the MOA. Based on the above, EPA believes that reasonable further progress (RFP) toward attainment of the CO NAAQS has been demonstrated.

In summary, for the reasons discussed above, EPA is granting the State's request for a 1-year extension of the attainment date for the MOA CO nonattainment area from December 31, 1995, to December 31, 1996.

III. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Attainment date extensions under section 186, as with SIP approvals under section 110 and subchapter I, Part D of the CAA, do not create any new requirements. Therefore, because the granting of the MOA 1-year CO attainment date extension does not

impose any new requirements, I certify that it does not have a significant impact on any small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that an attainment date extension does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. A finding that an area should be granted a 1-year extension of the attainment date consists of factual determinations based on air quality considerations and the area's compliance with certain prior requirements, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The EPA has reviewed this request for a 1-year extension of the CO attainment date for the MOA nonattainment area for conformance with the 1990 CAAA enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the

procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective August 27, 1996 unless, by July 29, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective August 27, 1996.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 3, 1996.

Jane S. Moore,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart C—Alaska

2. Section 52.82 is revised to read as follows:

§ 52.82 Extensions.

The Administrator, by authority delegated under section 186(a)(4) of the Clean Air Act, as amended in 1990, hereby extends for one year (until December 31, 1996) the attainment date for the MOA, Alaska CO nonattainment area.

[FR Doc. 96-16156 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[Region II Docket No. 146, NJ23-1-7243(c); FRL-5524-4]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Jersey; Revised Policy Regarding Applicability of Oxygenated Fuels Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 28, 1995, the New Jersey Department of Environmental Protection (NJDEP) submitted requests to redesignate the Camden County nonattainment area and nine not-classified areas from nonattainment to attainment for carbon monoxide (CO). NJDEP also submitted the required plans to assure continued attainment of the CO standards in the redesignated areas. On December 7, 1995, EPA published a direct final rulemaking (60 FR 62741) approving New Jersey's redesignation requests along with several elements of the New Jersey State Implementation Plan (SIP) for CO.

This action announced that the rulemaking would take effect on February 5, 1996 (60 days after publication), unless EPA received adverse comments by January 8, 1996 (30 days after publication), in response to a notice of proposed rulemaking published on the same day (60 FR 62792). EPA also committed to withdraw the direct final rule in the event that it received adverse comments, and to respond to any adverse comments in a subsequent final rulemaking action. EPA did receive adverse comments on this action, but failed to withdraw the final rule within the 60 days given in the notice of direct final rulemaking. Therefore, the rule took effect on February 5, 1996.

EPA is responding to the comments it received; but, for the following reasons, EPA is not changing the final rule in response to those comments. Had EPA withdrawn the direct final rule prior to its going into effect, EPA would have taken final action based on the proposal to promulgate a rule identical to the direct final rule that went into effect. Rather than now take the action of withdrawing the direct final rule only to repromulgate simultaneously an identical rule, in this action EPA is deciding to maintain the rule unchanged. EPA believes that withdrawal and repromulgation are unnecessary since the results would be identical to that obtained simply by leaving the rule unchanged and responding to the comments.

This action provides interested parties an opportunity to review how EPA addressed the comments and to petition for judicial review of EPA's action in this final rulemaking within 60 days of this publication, as provided in section 307(b)(1) of the Clean Air Act.

EFFECTIVE DATES: February 5, 1996.

ADDRESSES: Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Air Programs Branch,
290 Broadway, 20th Floor, New York,
New York 10007-1866

New Jersey Department of
Environmental Protection, Office of
Energy, Bureau of Air Quality
Planning, 401 East State Street,
CN027, Trenton, New Jersey 08625
Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, SW, Washington, DC 20460

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, Region II Office, 290 Broadway,
New York, New York 10007-1866, (212)
637-4249.

SUPPLEMENTARY INFORMATION:

I. Background

Camden County, which is in the Philadelphia-Wilmington-Trenton Consolidated Metropolitan Statistical Area (CMSA), was designated nonattainment for CO under the provisions of sections 186 and 187 of the Clean Air Act. Because the area had a design value of 11.6 parts per million based on 1988 and 1989 data, the area was classified moderate. (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR part 81, §81.331.) This design value was based on ambient CO data recorded in

the City of Philadelphia. For moderate CO nonattainment areas, the Clean Air Act requires that air quality must attain the National Ambient Air Quality Standard (NAAQS) by December 31, 1995. The last exceedance of the CO NAAQS in Camden County occurred in 1989.

In addition, nine areas were designated as not-classified nonattainment under section 107(d)(1)(C) of the Clean Air Act. Three of these not-classified areas, the City of Trenton, the City of Burlington and the Borough of Penns Grove (part), are located within the Philadelphia-Wilmington-Trenton CMSA. Five of the not-classified areas, the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River and the Borough of Somerville, are located in the New York-Northern New Jersey-Long Island CMSA. The remaining not-classified area is the City of Atlantic City, which is not contained within a CMSA. Atlantic City is part of the Atlantic City MSA. The oxygenated gasoline requirements applicable to each of these areas depend upon its location in the State. These requirements are discussed in a December 7, 1995 direct final notice (60 FR 62741).

The nine areas were considered "not-classified" because they previously had been designated nonattainment; however, air quality data collected during the period 1988 and 1989 showed that the NAAQS were met or data were not available. In those instances where air quality was no longer being monitored, concentrations measured in prior years had been well below the CO NAAQS.

In an effort to comply with the Clean Air Act and to ensure continued attainment of the NAAQS, on September 28, 1995, the State of New Jersey submitted CO redesignation requests and maintenance plans for Camden County and the nine not-classified areas. This submittal contained evidence that public hearings were held on September 8, 1995.

EPA published a direct final notice (60 FR 62741) and a proposed notice (60 FR 62792) on December 7, 1995. Since comments were received which needed addressing, EPA is addressing these comments at this time. The reader is referred to the direct final notice for a detailed discussion of EPA's action.

II. Comments

EPA received comments from The New York Mercantile Exchange (NYMEX) and the New York State Department of Environmental Conservation (NYSDEC) on the

December 7, 1995 notice. EPA's response to the comments is contained in a Technical Support Document entitled "New Jersey Carbon Monoxide Redesignation Request For Camden County & Nine Not-Classified Areas Technical Support Document (TSD); October 16, 1995; Amended March 7, 1996" found in Docket No. 146.

EPA does not believe that any of the comments present reasons why the Agency should not proceed with its proposed action, and the Agency is confident that New Jersey's redesignation request is technically sound. Therefore, EPA reaffirms its redesignation of Camden County and the nine not-classified areas in New Jersey to attainment of the CO NAAQS.

III. Summary

EPA is approving the Camden County and nine not-classified CO maintenance plans because they meet the requirements set forth in section 175A of the Clean Air Act. In addition, the Agency is approving the requests for redesignating Camden County and the nine not-classified areas to attainment because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) of the Act for redesignation.

In the December 7, 1995 notice EPA also took action on the contingency measures and statewide emissions inventory found in the New Jersey CO SIP. The contingency measures include transportation control measures which cover traffic flow improvements, park & ride lots, and increased ridesharing. EPA received no comments on these SIP elements.

The State has demonstrated to EPA's satisfaction that Camden County and the nine not-classified areas had attained the CO standard before the implementation of the oxygenated gasoline program and that as a result the oxygenated gasoline program was not needed to attain or maintain the CO standard. Therefore, EPA finds that the oxygenated gasoline program is not required in these areas in order to meet the criteria for redesignation.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603

and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and Subchapter I, Part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated annual costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP or plan revision, the state and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 187 of the Clean Air Act. These rules may bind state, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action would impose any mandate upon the state, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated annual costs of \$100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

Under 5 U.S.C. section 605(b), I certify that redesignations do not have

a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations.

40 CFR Part 81

Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C. 7401-7671q.

Dated: May 31, 1996.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96-16158 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 148 and 268

[EPA # F-96-PH3F-FFFFF; FRL-5528-1]

RIN 2050-AD38

Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical correction.

SUMMARY: On April 8, 1996, EPA published regulations covering both congressionally-mandated and court-ordered prohibitions on land disposal of certain hazardous wastes. On the same day, EPA published a partial

withdrawal and correction of those regulations to the extent the Land Disposal Program Flexibility Act (LDPFA) (signed by the President on March 26, 1996) revoked most of the court-ordered prohibitions. This notice corrects technical errors in the final regulations and the partial withdrawal notice.

EFFECTIVE DATE: This rule is effective on June 28, 1996.

ADDRESSES: Supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The Docket Identification Number is F-96-PH3F-FFFFF. The RCRA Docket is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC metropolitan area. For information on this notice contact Michael Petruska (5302W), Office of Solid Waste, 401 M Street, S.W., Washington, DC 20460, (703) 308-8434.

SUPPLEMENTARY INFORMATION:

I. Reasons and Basis for Today's Amendment

The Agency has received comments from the regulated community and State agencies requesting clarification on certain aspects of the April 8, 1996 Land Disposal Restrictions (LDR) Phase III final rule (61 FR 15566) and the April 8, 1996 withdrawal notice (61 FR 15660). Today's amendment responds to these comments and makes technical corrections where appropriate.

II. Amendments to the LDR Phase III Final Rule

There were several errors in the treatment standard table in § 268.40, and in the table of Universal Treatment Standards (UTS) in § 268.48. The errors pertained to portions of the final rule which were not affected by the LDPFA. It should be noted that certain errors in both of these tables are not being corrected here as they are being corrected by the Office of Federal Register.

A. Section 268.40 Table

There were several errors in the table "Treatment Standards for Hazardous

Waste" in section 268.40. First, the waste codes for the proposed organobromine wastes—K140 and U404—inadvertently appeared in the table. As was explained in the preamble to the final rule (61 FR 15566, 15569, April 8, 1996), however, the Agency is not promulgating treatment standards for these wastes at this time since the listing of these wastes as hazardous has not been finalized. Today's notice removes these entries from the table.

Second, the treatment standards set out in the table for the carbamate wastes were incorrect. These entries reflected the waste codes and constituents in the proposed listing instead of the waste codes and constituents in the finalized listing (60 FR 7824, February 9, 1995). These entries also are being corrected in today's notice.

Third, the entries for F006, F007, F010, F037, F039, K006, and K062 included treatment standards for constituents for which previously there was no standard ("NA" had appeared instead). The proposed rule had included treatment standards to replace all of the "NA" entries in the table. However, as was explained in the preamble to the final rule (61 FR at 15569), the Agency agreed with commenters who felt it was arbitrary to add a standard for the sake of completeness where previously there was none, and, therefore, the Agency did not finalize the proposed changes. However, EPA inadvertently continued to include the standard for these waste codes in the final rule. Today's notice restores the "NA" entries.

B. Section 268.48 Table

The wastewater treatment standards for A2213, Butylate, Cycloate, EPTC, Molinate, Pebulate, Prosulfocarb, Triallate, and Vernolate appeared in the table of UTS as 0.003, although the preamble gave the correct standard as 0.042 (61 FR 15584). Today's notice corrects the UTS table.

III. Amendments to the LDR Phase III Withdrawal Notice

There are four sections in the withdrawal notice that need correction/clarification—§§ 148.1, 268.1, 268.3, and 268.40.

A. Section 148.1

The Agency today is amending the language in § 148.1(d) to more accurately reflect the recently enacted LDPFA. The revised language clarifies that decharacterized wastes injected in any Class I injection well—either hazardous or nonhazardous—are not prohibited wastes, and, therefore, are not subject to the Land Disposal

Restrictions (LDR) treatment standards. This result was alluded to in the April 8, 1996 withdrawal notice (61 FR 15661), but the Agency believes it is appropriate to further make it clear that both hazardous and nonhazardous Class I wells are excepted, as provided in the text of the legislation.

B. Section 268.1

The Agency also is amending the language in § 268.1(c) to mirror the amended language in § 148.1(d) described above. We also are clarifying that decharacterized wastewaters managed in Clean Water Act (CWA) or equivalent systems with land disposal units are not prohibited wastes, and, thus, are not subject to LDR treatment standards. As provided in the legislation, the decharacterized wastes managed in CWA or CWA-equivalent systems which remain prohibited are those that have a specified "method of treatment" for a treatment standard, or are reactive cyanide wastes. This clarification was also alluded to in the April 8, 1996 withdrawal notice (61 FR 15661).

C. Section 268.3

The Agency is today amending the dilution prohibition language in § 268.3(b) to clarify that the treatment method of deactivation (DEACT) is not considered a specified method of treatment for the purposes of that section. This change merely codifies existing Agency interpretation (see preamble discussion at 55 FR 22666, June 1, 1990; and 57 FR 8087–8088, March 6, 1992).

D. Section 268.40

As discussed in A. and B. of this section, decharacterized wastes managed in CWA or CWA-equivalent systems (with land disposal units receiving the decharacterized waste) are no longer prohibited wastes, with the exception of characteristic wastes that have a specified method as a treatment standard and reactive cyanide. All decharacterized wastes injected into Class I wells also are no longer prohibited wastes.

In the rush of preparing a notice to reflect the new legislation as quickly as possible, EPA inadvertently failed to remove the numerical standards for these categories of wastes and replace them with the characteristic level (61 FR at 15664–15668). Therefore, the treatment standards in the April 8 withdrawal notice for these wastes were in error. For instance, the wastewater treatment standard for benzene in D018 wastes that are managed in CWA, CWA equivalent, or Class I injection wells

was given as 0.14 mg/l. In fact, a D018 wastewater managed in one of these systems need only meet the regulatory level of 0.5 mg/l to be rendered nonhazardous (i.e. decharacterized) and, hence, no longer prohibited. Today's notice corrects this mistake by removing that category from the table of Treatment Standards for Hazardous Wastes, and indicating via a footnote that these wastes, once decharacterized, are no longer subject to LDR treatment standards.

The Agency wishes to clarify further that these non-LDR wastes also are not subject to the LDR notification and certification requirements of § 268.7 and § 268.9.

IV. Clarification to the Phase III Withdrawal Notice

Under RCRA regulations in effect before the LDPFA, wastes that are listed solely because they exhibit a hazardous characteristic are not prohibited from land disposal if they are managed in CWA, CWA-equivalent, or Class I injection well systems and are no longer hazardous at the point of land disposal. Id.; see also the codification of this principle at 40 CFR 261.3(a)(2)(iii) and 57 FR at 37210–211 (August 18, 1992). (The exception is for listed wastes that are subject to a method of treatment; these wastes cannot be disposed of in CWA or equivalent systems. See 55 FR at 22656, 22657 (general principle in Third Third final rule that characteristic wastes subject to a method of treatment remain subject to dilution prohibition even when managed in CWA treatment systems) and 57 FR 37210 (same principle should apply to wastes listed solely because they exhibit a characteristic).)

In the April 8, 1996 withdrawal notice, EPA stated that it would not, at least for the time being, reopen those land disposal restriction rules applicable to wastes listed solely because they exhibit a hazardous waste characteristic (e.g. U002 commercial chemical product acetone). See 61 FR at 15661–62. This is because the new legislation does not directly apply to such wastes. Id.

EPA is taking this opportunity to clarify that the existing rules on wastes listed solely because they exhibit a characteristic apply to all wastes, regardless of whether they are wastewaters or non-wastewaters, so long as they are managed in the prescribed types of wastewater management systems. Notwithstanding unclear language in the August, 1992 preamble cited above, what the Agency intended to do was to put wastes listed solely because they exhibit a characteristic on

the same footing vis-a-vis the dilution prohibition as the characteristic wastes covered by the Third Third rule. 57 FR at 37210. Under that Third Third rule, most characteristic wastes (whether or not they were in the wastewater or nonwastewater treatability group) could be permissibly be managed in CWA systems and Class I UIC injection wells so long as they were rendered non-hazardous by any means before being placed in a land disposal unit (i.e. surface impoundment or Class I injection well). 55 FR at 22656-658 (June 1, 1990). EPA is formally clarifying this point by means of today's preamble discussion.

V. Rationale for Immediate Effective Date

Today's notice does not create any new regulatory requirements; rather, it restates and clarifies requirements already in effect (by virtue of the new legislation) by correcting a number of errors in the April 8, 1996 final rule and withdrawal notice. For these reasons, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide for an immediate effective date. See generally 61 FR at 15662. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(b)(3) to promulgate today's corrections in final form and that there is good cause under 5 U.S.C. 553(b)(3) to waive the requirement that regulations be published at least 30 days before they become effective.

VI. Analysis Under Executive Order 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Paperwork Reduction Act

This technical correction does not create any new regulatory requirements. It merely corrects technical errors and clarifies requirements already in effect (by virtue of the new legislation) and therefore is not a "significant" regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. For the same reasons, pursuant to the Regulatory Flexibility Act, I certify that this action would not have a significant impact on a substantial number of small entities. Finally, because this is a technical correction, it does not affect requirements under the Paperwork Reduction Act.

VII. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as

amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

List of Subjects

40 CFR Part 148

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

Dated: June 21, 1996.

Elliott Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for part 148 continues to read as follows:

Authority: Secs. 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

2. Section 148.1 is amended by revising paragraph (d) to read as follows:

§ 148.1 Purpose, scope and applicability.

* * * * *

(d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, or part 268 of this chapter, are not prohibited if the wastes:

(1) Are disposed into a nonhazardous or hazardous injection well as defined under 40 CFR § 146.6(a); and

(2) Do not exhibit any prohibited characteristic of hazardous waste identified in 40 CFR part 261, subpart C at the point of injection.

PART 268—LAND DISPOSAL RESTRICTIONS

3. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

Subpart A—General

4. In section 268.1, paragraph (c) is amended by adding paragraphs (3) and (4) to read as follows:

§ 268.1 Purpose, scope and applicability.

* * * * *

(c) * * *

(3) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, or part 148 of this chapter, are not prohibited if the wastes:

(i) Are disposed into a nonhazardous or hazardous injection well as defined under 40 CFR 146.6(a); and

(ii) Do not exhibit any prohibited characteristic of hazardous waste identified in 40 CFR part 261, subpart C at the point of injection.

(4) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in § 268.40, or are D003 reactive cyanide:

(i) The wastes are managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under section 402 of the Clean Water Act; or

(ii) The wastes are treated for purposes of the pretreatment requirements of section 307 of the Clean Water Act; or

(iii) The wastes are managed in a zero discharge system engaged in Clean Water Act-equivalent treatment as defined in § 268.37(a); and

(iv) The wastes no longer exhibit a prohibited characteristic at the point of land disposal (i.e., placement in a surface impoundment).

* * * * *

5. Section 268.2 is amended by revising paragraph (j) to read as follows:

§ 268.2 Definitions applicable in this part.

* * * * *

(j) *Inorganic metal-bearing waste* is one for which EPA has established treatment standards for metal hazardous constituents, and which does not otherwise contain significant organic or cyanide content as described in § 268.3(c)(1), and is specifically listed in appendix XI of this part.

* * * * *

6. Section 268.3 is amended by revising paragraph (b) to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

* * * * *

(b) Dilution of wastes that are hazardous only because they exhibit a characteristic in treatment systems which include land-based units which treat wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA), or which treat wastes in a CWA-equivalent treatment system, or which treat wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method other than DEACT has been specified in § 268.40 as the treatment standard, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

* * * * *

7. Section 268.39 is amended by revising paragraph (e) to read as follows:

§ 268.39 Waste specific prohibitions—spent aluminum potliners; reactive; and carbamate wastes.

* * * * *

(e) Between July 8, 1996, and April 8, 1998, the wastes included in paragraphs (a), (c), and (d) of this section may be disposed in a landfill or surface impoundment, only if such unit is in compliance with the requirements specified in § 268.5(h)(2).

* * * * *

8. Section 268.40 is amended by revising the first sentence of paragraph (a), and paragraph (e) to read as follows:

§ 268.40 Applicability of treatment standards.

(a) A prohibited waste identified in the table “Treatment Standards for Hazardous Wastes” may be land disposed only if it meets the requirements found in the table. * * *

* * * * *

(e) For characteristic wastes (D001–D003, and D012–D043) that are subject to treatment standards in the following table “Treatment Standards for Hazardous Wastes,” all underlying

hazardous constituents (as defined in § 268.2(i)) must meet Universal Treatment Standards, found in § 268.48, “Table UTS,” prior to land disposal as defined in § 268.2(c) of this part.

* * * * *

§ 268.40 [Amended]

9. In § 268.40, the table at the end of the section is amended by removing the entries for K140, P187, P193, P195, P200, U360–U363, U368–U371, U374, U380, U388, U397–U399, U405, U406, and U408; and by revising the entries for D001–D003, D012–D043, F006, F007, F010, F037, F039, K006, K008, K062, K108, K156–K161, P093, P196, P202, U277, U365, U366, U375–U379, U381–U387, U389–U396, U400–U404, and U407; and by adding the entries for U278, U409, U410, and U411; and by adding footnotes 8 and 9 to read as follows:

* * * * *

TREATMENT STANDARDS FOR HAZARDOUS WASTES

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as “mg/l TCLP”; or technology code)
		Common name	CAS ² No.		
D001	Ignitable Characteristic Wastes, except for the § 261.21(a)(1) High TOC Subcategory.	NA	NA	DEACT and meet § 268.48 standards; ⁸ or RORGS; ⁹ or CMBST. ⁹	DEACT and meet § 268.48 standards; ⁸ or RORGS; ⁹ or CMBST. ⁹
	High TOC Ignitable Characteristic Liquids Subcategory based on 40 CFR 261.21(a)(1)—Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only).	NA	NA	NA	RORGS; ⁹ or CMBST. ⁹
D002	Corrosive Characteristic Wastes	NA	NA	DEACT and meet § 268.48 standards. ⁸	DEACT and meet § 268.48 standards. ⁸
* * * * *					
D003	Reactive Sulfides Subcategory based on 261.23(a)(5).	NA	NA	DEACT and meet § 268.48 standards. ⁸	DEACT and meet § 268.48 standards. ⁸
	Explosives Subcategory based on 261.23(a)(6), (7), and (8).	NA	NA	DEACT and meet § 268.48 standards. ⁸	DEACT and meet § 268.48 standards. ⁸
	Unexploded ordnance and other explosive devices which have been the subject of an emergency response.	NA	NA	DEACT	DEACT
	Other Reactives Subcategory based on 261.23(a)(1).	NA	NA	DEACT and meet § 268.48 standards. ⁸	DEACT and meet § 268.48 standards. ⁸
	Water Reactive Subcategory based on 261.23(a)(2),(3), and (4). (Note: This subcategory consists of nonwastewaters only).	NA	NA	NA	DEACT and meet § 268.48 standards. ⁸
	Reactive Cyanides Subcategory based on 261.23(a)(5).	Cyanides (Total) ⁷ ...	57–12–5	Reserved	590. ⁹
		Cyanides (Ame-nable) ⁷ .	57–12–5	0.86 ⁹	30. ⁹

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
D012	Wastes that are TC for Endrin based on the TCLP in SW846 Method 1311.	Endrin	72-20-8	BIODG; ⁹ or CMBST ⁹ .	0.13 and meet § 268.48 standards. ⁸
		Endrin aldehyde	7421-93-4	BIODG; ⁹ or CMBST ⁹ .	0.13 and meet § 268.48 standards. ⁸
D013	Wastes that are TC for Lindane based on the TCLP in SW846 Method 1311.	alpha-BHC	319-84-6	CARBN; ⁹ or CMBST ⁹ .	0.066 and meet § 268.48 standards. ⁸
		beta-BHC	319-85-7	CARBN; ⁹ or CMBST ⁹ .	0.066 and meet § 268.48 standards. ⁸
		delta-BHC	319-86-8	CARBN; ⁹ or CMBST ⁹ .	0.066 and meet § 268.48 standards. ⁸
		gamma-BHC (Lindane).	58-89-9	CARBN; ⁹ or CMBST ⁹ .	0.066 and meet § 268.48 standards. ⁸
D014	Wastes that are TC for Methoxychlor based on the TCLP in SW846 Method 1311.	Methoxychlor	72-43-5	WETOX ⁹ or CMBST ⁹ .	0.18 and meet § 268.48 standards. ⁸
D015	Wastes that are TC for Toxaphene based on the TCLP in SW846 Method 1311.	Toxaphene	8001-35-2	BIODG ⁹ or CMBST ⁹ .	2.6 and meet § 268.48 standards. ⁸
D016	Wastes that are TC for 2,4-D(2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW846 Method 1311.	2,4-D(2,4-Dichlorophenoxyacetic acid).	94-75-7	CHOXD; ⁹ BIODG; ⁹ or CMBST ⁹ .	10 and meet § 268.48 standards. ⁸
D017	Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW846 Method 1311.	2,4,5-TP(Silvex)	93-72-1	CHOXD ⁹ or CMBST ⁹ .	7.9 and meet § 268.48 standards. ⁸
D018	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311.	Benzene	71-43-2	0.14 and meet § 268.48 standards. ⁸	10 and meet § 268.48 standards. ⁸
D019	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311.	Carbon tetrachloride	56-23-5	0.057 and meet § 268.48 standards. ⁸	6.0 and meet § 268.48 standards. ⁸
D020	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311.	Chlordane (alpha and gamma isomers).	57-74-9	0.0033 and meet § 268.48 standards. ⁸	0.26 and meet § 268.48 standards. ⁸
D021	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311.	Chlorobenzene	108-90-7	0.057 and meet § 268.48 standards. ⁸	6.0 and meet § 268.48 standards. ⁸
D022	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311.	Chloroform	67-66-3	0.046 and meet § 268.48 standards. ⁸	6.0 and meet § 268.48 standards. ⁸
D023	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311.	o-Cresol	95-48-7	0.11 and meet § 268.48 standards. ⁸	5.6 and meet § 268.48 standards. ⁸
D024	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311.	M-Cresol (difficult to distinguish from p-cresol).	108-39-4	0.77 and meet § 268.48 standards. ⁸	5.6 and meet § 268.48 standards. ⁸
D025	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311.	p-Cresol (difficult to distinguish from m-cresol).	106-44-5	0.77 and meet § 268.48 standards. ⁸	5.6 and meet § 268.48 standards. ⁸
D026	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311.	Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations).	1319-77-3	0.88 and meet § 268.48 standards. ⁸	11.2 and meet § 268.48 standards. ⁸
D027	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311.	p-Dichlorobenzene (1,4-Dichlorobenzene).	106-46-7	0.090 and meet § 268.48 standards. ⁸	6.0 and meet § 268.48 standards. ⁸
D028	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311.	1,2-Dichloroethane	107-06-2	0.21 and meet § 268.48 standards. ⁸	6.0 and meet § 268.48 standards. ⁸

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
D029	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311.	1,1-Dichloroethylene	75–35–4	0.025 and meet § 268.48 stand-ards ⁸ .	6.0 and meet § 268.48 stand-ards. ⁸
D030	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311.	2,4-Dinitrotoluene	121–14–2	0.32 and meet § 268.48 stand-ards ⁸ .	140 and meet § 268.48 stand-ards. ⁸
D031	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311.	Heptachlor	76–44–8	0.0012 and meet § 268.48 stand-ards ⁸ .	0.066 and meet § 268.48 stand-ards. ⁸
		Heptachlor epoxide	1024–57–3	0.016 and meet § 268.48 stand-ards ⁸ .	0.066 and meet § 268.48 stand-ards. ⁸
D032	Wastes that are TC for Hexachloro- benzene based on the TCLP in SW846 Method 1311.	Hexachlorobenzene	118–74–1	0.055 and meet § 268.48 stand-ards ⁸ .	10 and meet § 268.48 stand-ards. ⁸
D033	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311.	Hexa- chlorobutadiene.	87–68–3	0.055 and meet § 268.48 stand-ards ⁸ .	5.6 and meet § 268.48 stand-ards. ⁸
D034	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311.	Hexachloroethane ...	67–72–1	0.055 and meet § 268.48 stand-ards ⁸ .	30 and meet § 268.48 stand-ards. ⁸
D035	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311.	Methyl ethyl ketone	78–93–3	0.28 and meet § 268.48 stand-ards ⁸ .	36 and meet § 268.48 stand-ards. ⁸
D036	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311.	Nitrobenzene	98–95–3	0.068 and meet § 268.48 stand-ards ⁸ .	14 and meet § 268.48 stand-ards. ⁸
D037	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311.	Pentachlorophenol	87–86–5	0.089 and meet § 268.48 stand-ards ⁸ .	7.4 and meet § 268.48 stand-ards. ⁸
D038	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311.	Pyridine	110–86–1	0.014 and meet § 268.48 stand-ards ⁸ .	16 and meet § 268.48 stand-ards. ⁸
D039	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311.	Tetracholorethylene	127–18–4	0.056 and meet § 268.48 stand-ards..	6.0 and meet § 268.48 stand-ards. ⁸
D040	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311.	Trichloroethylene	79–01–6	0.054 and meet § 268.48 stand-ards ⁸ .	6.0 and meet § 268.48 stand-ards. ⁸
D041	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,5- Trichlorophenol.	95–95–4	0.18 and meet § 268.48 stand-ards ⁸ .	7.4 and meet § 268.48 stand-ards. ⁸
D042	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,6- Tricholorphenol.	88–06–2	0.035 and meet § 268.48 stand-ards ⁸ .	7.4 and meet § 268.48 stand-ards. ⁸
D043	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311.	Vinyl chloride	75–01–4	0.27 and meet § 268.48 stand-ards ⁸ .	6.0 and meet § 268.48 stand-ards. ⁸
	* * *	*	*	*	*
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (seg-regated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carton steel; and (6) chem-ical etching and milling of aluminum.	Cadmium	7440–43–9	.069	0.19 mg/l TCLP.
		*	*	*	*
F007	Spent cyanide plating bath solutions from electro-plating operations.	Silver	7440–22–4	NA	0.30 mg/l TCLP.
		Cadmium	7440–43–9	NA	0.19 mg/l TCLP.
		*	*	*	*

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	Cyanides (Total) ⁷ ...	57-12-5	1.2	590.
		Cyanides (Ame-nable) ⁷ .	57-12-5	0.86	NA.
F037	Petroleum refinery primary oil/water/solids separation sludge—Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and KO51 wastes are not included in this listing.	Acenaphthene	83-32-9	0.059	3.4.
		Nickel	7440-02-0	NA	5.0 mg/l TCLP.
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.).	Acenaphthylene	208-96-8	0.059	NA.
		Acetonitrile	75-05-8	5.6	NA.
		Carbon disulfide	75-15-0	3.8	NA.
		2-Chloro-1,3-butadiene.	126-99-8	0.057	NA.
		Cyclohexanone	108-94-1	0.36	NA
		1,4-Dioxane	123-91-1	12.0	170.
		Diphenylamine (difficult to distinguish from diphenylnitrosamine).	122-39-4	0.92	NA.
		Diphenylnitrosamine (difficult to distinguish from diphenylamine).	86-30-6	0.92	NA.
		1,2-Diphenylhydrazine.	122-66-7	0.087	NA.
		Methanol	67-56-1	5.6	NA.

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
		N-Nitrosodimethylamine.	62-75-9	0.40	NA.
		*	*	*	*
		Phthalic anhydride	85-44-9	0.055	NA.
		*	*	*	*
		tris(2,3-Dibromopropyl) phosphate.	126-72-7	0.11	NA.
		*	*	*	*
		Beryllium	7440-41-7	0.82	NA.
		*	*	*	*
		Cyanides (Ame-nable).	57-12-5	0.86	NA.
		Fluoride	16964-48-8	35	NA.
		*	*	*	*
		Thallium	7440-28-0	1.4	NA.
		Vanadium	7440-62-2	4.3	NA.
		*	*	*	*
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).	Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP.
		Lead	7439-92-1	0.69	0.37 mg/l TCLP.
	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).	Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP.
		Lead	7439-92-1	0.69	0.37 mg/l TCLP.
		*	*	*	*
K008	Oven residue from the production of chrome oxide green pigments.	Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP.
		Lead	7439-92-1	0.69	0.37 mg/l TCLP.
		*	*	*	*
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP.
		Lead	7439-92-1	0.69	0.37 mg/l TCLP.
		Nickel	7440-02-0	3.98	5.0 mg/l TCLP.
		*	*	*	*
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazide (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN.	CMBST.
		*	*	*	*
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.	Acetonitrile	75-05-8	5.6	1.8.
		Acetophenone	96-86-2	0.010	9.7.
		Aniline	62-53-3	0.81	14.
		Benomyl	17804-35-2	0.056	1.4.
		Benzene	71-43-2	0.14	10.
		Carbaryl	63-25-2	0.006	0.14.
		Carbenzadim	10605-21-7	0.056	1.4.
		Carbofuran	1563-66-2	0.006	0.14.
		Carbosulfan	55285-14-8	0.028	1.4.
		Chlorobenzene	108-90-7	0.057	6.0.
		Chloroform	67-66-3	0.046	6.0.
		o-Dichlorobenzene	95-50-1	0.088	6.0.
		Methomyl	16752-77-5	0.028	0.14.
		Methylene chloride	75-09-2	0.089	30.
		Methyl ethyl ketone	78-93-3	0.28	36.
		Naphthalene	91-20-3	0.059	5.6.
		Phenol	108-95-2	0.039	6.2.

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.	Pyridine	110-86-1	0.014	16.
		Toluene	108-88-3	0.080	10.
		Triethylamine	121-44-8	0.081	1.5.
		Carbon tetrachloride	56-23-5	0.057	6.0.
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.	Chloroform	67-66-3	0.046	6.0.
		Chloromethane	74-87-3	0.19	30.
		Methomyl	16752-77-5	0.028	0.14.
		Methylene chloride	75-09-2	0.089	30.
		Methyl ethyl ketone	78-93-3	0.28	36.
		o-Phenylenediamine	95-54-5	0.056	5.6.
		Pyridine	110-86-1	0.014	16.
		Triethylamine	121-44-8	0.081	1.5.
K159	Organics from the treatment of thiocarbamate wastes.	Benomyl	17804-35-2	0.056	1.4.
		Benzene	71-43-2	0.14	10.
		Carbenzadim	10605-21-7	0.056	1.4.
		Carbofuran	1563-66-2	0.006	0.14.
		Carbosulfan	55285-14-8	0.028	1.4.
		Chloroform	67-66-3	0.046	6.0.
		Methylene chloride	75-09-2	0.089	30.
		Phenol	108-95-2	0.039	6.2.
K160	Solids (including filter wastes, separation solids, and spent catalysts) from the production of thiocarbamates and solids from the treatment of thiocarbamate wastes.	Benzene	71-43-2	0.14	10.
		Butylate	2008-41-5	0.042	1.4.
		EPTC (Eptam)	759-94-4	0.042	1.4.
		Molinate	2212-67-1	0.042	1.4.
		Pebulate	1114-71-2	0.042	1.4.
		Vernolate	1929-77-7	0.042	1.4.
K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings, from the production of dithiocarbamate acids and their salts.	Butylate	2008-41-5	0.042	1.4.
		EPTC (Eptam)	759-94-4	0.042	1.4.
		Molinate	2212-67-1	0.042	1.4.
		Pebulate	1114-71-2	0.042	1.4.
		Toluene	108-88-3	0.080	10.
		Vernolate	1929-77-7	0.042	1.4.
		Antimony	7440-36-0	1.9	2.1mg/l TCLP.
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP.
P093	Phenylthiourea	Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP.
		Dithiocarbamates (total).	NA	0.028	28.
		Lead	7439-92-1	0.069	0.37 mg/l TCLP.
		Nickel	7440-02-0	3.98	5.0 mg/l TCLP.
		Selenium	7782-49-2	0.82	0.16 mg/l TCLP.
		Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST.	CMBST.
		P196	Manganese dimethyldithiocarbamate	Dithiocarbamates (total).	NA
P202	M-Cumenyl methylcarbamate	m-Cumenyl methylcarbamate.	64-00-6	0.056	1.4.

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

[Note: NA means not applicable]

Waste code	Waste description and treatment/regulatory sub-category ¹	Regulated hazardous constituent		Wastewaters (Concentration in mg/l ³ , or technology code ⁴)	Nonwastewaters (Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code)
		Common name	CAS ² No.		
P205	Ziram	Dithiocarbamates (total).	NA	0.028	28.
U277	Sulfallate	Dithiocarbamates (total).	NA	0.028	28.
U278	Bendiocarb	Bendiocarb	22781-23-3	0.056	1.4.
U365	Molinate	Molinate	2212-67-1	0.042	1.4.
U366	Dazomet	Dithiocarbamates (total).	NA	0.028	28.
U375	3-Iodo-2-propynyl n-butylcarbamate	3-Iodo-2-propynyl n-butylcarbamate.	55406-53-6	0.056	1.4.
U376	Selenium, tetrakis (dimethyldithio- carbamate)	Dithiocarbamates (total).	NA	0.028	28.
U377	Selenium Pottasium n-methyldithiocarbamate	Selenium Dithiocarbamates (total).	7782-49-2 NA	0.82	0.16 mg/l TCLP.
U378	Potassium n-hydroxymethyl-n-methyldithiocarbamate.	Dithiocarbamates (total).	NA	0.028	28.
U379	Sodium dibutyldithiocarbamate	Dithiocarbamates (total).	NA	0.028	28.
U381	Sodium diethyldithiocarbamate	Dithiocarbamates (total).	NA	0.028	28.
U382	Sodium dimethyldithiocarbamate	Dithiocarbamates (total).	NA	0.028	28.
U383	Potassium dimethyl dithiocarbamate	Dithiocarbamates (total).	NA	0.028	28.
U384	Metam Sodium	Dithiocarbamates (total).	NA	0.028	28.
U385	Vernolate	Vernolate	1929-77-7	0.042	1.4.
U386	Cycloate	Cycloate	1134-23-2	0.042	1.4.
U387	Prosulfocarb	Prosulfocarb	52888-80-9	0.042	1.4.
U389	Triallate	Triallate	2303-17-5	0.042	1.4.
U390	EPTC	EPTC	759-94-4	0.042	1.4.
U391	Pebulate	Pebulate	1114-71-2	0.042	1.4.
U392	Butylate	Butylate	2008-41-5	0.042	1.4.
U393	Copper dimethyldithiocarbamate	Dithiocarbamates (total).	NA	0.028	28.
U394	A2213	A2213	30558-43-1	0.042	1.4.
U395	Diethylene glycol, dicarbamate	Diethylene glycol, dicarbamate.	5952-26-1	0.056	1.4.
U396	Ferbam	Dithiocarbamates (total).	NA	0.028	28.
U400	Bis (pentamethylene) thiuram tetrasulfide	Dithiocarbamates (total).	NA	0.028	28.
U401	Tetramethyl thiuram monosulfide	Dithiocarbamates (total).	NA	0.028	28.
U402	Tetrabutylthiuram disulfide	Dithiocarbamates (total).	NA	0.028	28.
U403	Disulfiram	Dithiocarbamates (total).	NA	0.028	28.
U404	Triethylamine	Triethylamine	101-44-8	0.081	1.5.
U407	Ethyl Ziram	Dithiocarbamates (total).	NA	0.028	28.
U409	Thiophanate-methyl	Thiophanate-methyl	23564-05-8	0.056	1.4.
U410	Thiodicarb	Thiodicarb	59669-26-0	0.019	1.4.
U411	Propoxur	Propoxur	114-26-1	0.056	1.4.

¹ The waste descriptions provided in this table do not replace waste descriptions in 40 CFR 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

²CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

³Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

⁴All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 40 CFR 268.42 Table 1—Technology Codes and Descriptions of Technology-Based Standards.

⁵Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264 Subpart O or Part 265 Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

⁷Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

⁸These wastes, when rendered nonhazardous and then subsequently managed in CWA, CWA-equivalent, or Class I SDWA systems are not subject to treatment standards. (See § 148.1(d) and § 268.1(c) (3) and (4)).

⁹These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well are not subject to treatment standards. (See § 148.1(d)).

10. In subpart D, § 268.48 the table in paragraph (a) is revised to read as follows:

(a) * * *

UNIVERSAL TREATMENT STANDARDS

[Note: NA means not applicable.]

Regulated constituent/common name	CAS ¹ No.	Wastewater standard (Concentration in mg/ l ²)	Nonwastewater Pstandard (Concentration in mg/ kg ³ unless noted as "mg/l TCLP")
A2213	30558-43-1	0.042	1.4
Butylate	2008-41-5	0.042	1.4
Cycloate	1134-23-2	0.042	1.4
EPTC	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Prosulfocarb	52888-80-9	0.042	1.4
Triallate	2303-17-5	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

¹CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

²Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

³Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR part 264, subpart O or 40 CFR part 265, subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

* * * * *

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BILLING CODE 6560-50-P

40 CFR Part 279**[FRL-5529-1]****Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule, notice of judicial vacatur of administrative stay.

SUMMARY: On January 19, 1996, the United States Court of Appeals for the District of Columbia Circuit vacated the Environmental Protection Agency's (EPA) October 30, 1995, administrative stay of part of the regulatory provision, known as the "used oil mixture rule", set forth in 40 CFR 279.10(b)(2). The provisions of the used oil mixture rule at issue relate to mixtures of used oil destined for recycling and characteristic hazardous waste (including waste listed as hazardous because it exhibits a hazardous waste characteristic). This action clarifies the regulatory status of mixtures of used oil and the hazardous wastes destined for recycling described above in light of the Court's vacatur of the administrative stay and eliminates the explanatory note to 40 CFR 279.10(b)(2) that was included in the notice of the administrative stay. In addition it notifies the public as to the provisions of a recent EPA proposal that may affect such mixtures.

EFFECTIVE DATE: June 28, 1996.

ADDRESSES: EPA does not seek comment on this notice, however any data the public wishes EPA to consider concerning mixtures of used oil and characteristic hazardous waste should be submitted to the public docket. Submissions should include the original and two copies, should reference docket No. F-96-U2SW-FFFFF, and should be addressed to: RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters, 401 M Street, SW., Washington, DC 20460. Hand deliveries should be made to the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9:00 to 4:00, Monday through Friday, except federal holidays. To review docket materials at the RIC, it is recommended that the public make an appointment by calling 703 603-9230. The public may copy a

maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington D.C. metropolitan area at 703 412-9810 or TDD 703 412-3323. For more detailed information on specific aspects of this action, contact Tracy Bone, Office of Solid Waste (5304w), U.S. EPA, D.C., 20460 at 703 308-8826.

SUPPLEMENTARY INFORMATION:**Background Information**

Legal Challenge to the Used Oil Mixture Rule. On September 10, 1992, EPA promulgated regulations pursuant to section 3014(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6935(a), governing the management of used oil destined for recycling. 57 FR 41566 (September 9, 1992). These regulations are codified at 40 CFR Part 279. As part of these regulations, EPA promulgated a used oil mixture rule, 40 CFR 279.10(b), that specifies when mixtures of used oil destined for recycling and hazardous waste are regulated as used oil and when they are regulated as hazardous waste. Among other things, the used oil mixture rule specifies that mixtures of used oil destined for recycling and characteristic hazardous waste are regulated as a hazardous waste under Subtitle C of RCRA only if the resultant mixture exhibits a hazardous waste characteristic. 40 CFR 279.10(b)(2)(i). If the mixture does not exhibit a hazardous waste characteristic, it is regulated under the used oil management standards, and the hazardous waste regulations (including those relating to land-disposal restrictions (LDRs)) are inapplicable to the mixture. Further, wastes which are hazardous solely because they exhibit the characteristic of ignitability may be mixed with used oil and the mixture regulated as used oil so long as the mixture does not exhibit the characteristic of ignitability (despite exhibiting any of the other characteristics). 40 CFR 279.10(b)(2)(ii)-(iii). The hazardous waste regulations and LDR requirements continue to apply to the hazardous waste prior to mixing with used oil.

Petitions for review challenging EPA's used oil mixture rule subsequently were filed in the United States Court of Appeals for the District of Columbia Circuit. Petitioners argued, in relevant part, that the provision of the management standards which governed

mixtures of recycled used oil and characteristic hazardous waste was inconsistent with the Court's decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), *cert. denied*, 113 S. Ct. 1961 (1993) ("Chem Waste"). *Chem Waste*, which was issued two weeks after the management standards were promulgated, held that EPA could not allow certain wastes exhibiting the hazardous characteristics of ignitability, reactivity, or corrosivity to be diluted to eliminate the characteristic and then be land-disposed unless the hazardous constituents in the waste were adequately treated to minimize threats to human health and the environment.

On September 12, 1994, petitioner, Safety-Kleen, and EPA filed a joint motion requesting the Court to vacate the mixture provision and remand the issue to EPA. Intervenor in the *Safety-Kleen* litigation opposed this motion. On September 15, 1994, the Court remanded the record in this matter to EPA, stating: "If the EPA determines that its rule is invalid, [citation omitted], it can proceed accordingly." Order (Sept. 15, 1994) (citing *American Tele. & Telegraph Co. v. FCC*, 978 F.2d 727, 733 (D.C. Cir. 1992)). The Court did not vacate the mixture rule.

Administrative Stay of the Used Oil Mixture Rule. In 1995, EPA issued an order staying the used oil mixture rule. The Agency determined that a stay was necessary to the effective implementation of the recycled used oil management program, pending the Agency's completion of a rulemaking on the issue of whether the used oil mixture rule should be modified or repealed in light of the Court's decision in *Chem Waste*. See 60 FR 55202 (Oct. 30, 1995).

On January 19, 1996, the Court, in ruling on a motion filed by the intervenors, vacated the Administrative stay. The Court explained that EPA could not suspend a promulgated rule without notice and comment. The Court further noted that, if EPA determines that the used oil mixture rule is invalid, it may be able to rely on the good cause exception, 5 U.S.C. 553(b), to vacate the rule without notice and comment rulemaking.

Effect of the Court's Vacatur of the Administrative Stay. The vacatur of the administrative stay reinstates the used oil mixture rule found at 40 CFR 279.10(b)(2) as part of the federal used oil management standards. Accordingly, as a matter of federal RCRA law, the regulated community may mix certain characteristic hazardous wastes and used oil to be recycled (e.g., mixtures of solvents compatible with the use of

used oil as fuel) without triggering LDR requirements. Of course, whether the used oil mixture rule is in effect in a particular state depends on whether a state is, or is not, authorized to administer and enforce the RCRA program. Furthermore, whether a used oil mixture provision is in effect in an authorized state, depends on whether the state has adopted such a provision under its state law and whether EPA has authorized the state to administer and enforce such a provision.

The vacatur of the administrative stay only had an immediate impact on the RCRA requirements for the regulated community in the states and territories that did not have an authorized state RCRA program at the time the administrative stay became effective (e.g., Alaska, Hawaii, Iowa and Puerto Rico). The vacatur immediately reinstated the federal used oil mixture rule in these four states and territories, because the regulated community in these states and territories, in the absence of an authorized state RCRA program, is subject to the federal RCRA regulations. The regulated community in these states and territories, therefore, may continue to manage mixtures of used oil destined for recycling and characteristic hazardous waste as used oil to the extent allowed under the federal used oil management standards.

The administrative stay of the federal used oil mixture rule, and its subsequent vacatur, did not affect the legal obligations of the regulated community in the forty-nine states and territories with an authorized state RCRA program, because the regulated community in a state with an authorized RCRA state program is subject to the applicable state, not federal, regulations. None of the authorized states revised their programs to incorporate the stay during the three weeks that the stay was in effect. Accordingly, after the vacatur of the stay (as well as at the time that the stay was in effect) the regulated community in the authorized states remains subject to those state used oil regulations, including any state used oil mixture provisions, that were in effect prior to the issuance of the administrative stay. In those states that are authorized for both the RCRA program and the used oil mixture rule the regulated community may continue to rely on the state used oil mixture rule applicable in that state. In those states that are authorized for the RCRA program but not for the used oil mixture rule, the regulated community cannot use the used oil mixture rule until a state obtains authorization for the rule as part of its RCRA program. States not already authorized for the used oil

mixture rule may wish to consider not seeking such authorization until the validity of the used mixture rule is determined.

In light of the D.C. Circuit's vacatur of the administrative stay of the rule, EPA is deleting the explanatory note added to 40 CFR Section 279.10(b)(2) in the notice of the administrative stay, to withdraw the notice of the administrative stay. See 60 FR 55202, 55206 (Oct. 30, 1995).

Comparable Fuel Provisions of EPA's Revised Standards for Hazardous Waste Combustors. On April 19, 1996, the Agency proposed the Hazardous Waste Combustion Rule in which the discussion of "Small Business Considerations" may be of particular interest to used oil handlers (61 FR 17468). Small businesses may, hypothetically, generate wastes (such as mineral spirits used to clean automotive parts) that could meet a comparable fuel specification as a class. In this section the Agency proposes to consider a petition process through which classes of generators could document that a specific type of waste is consistently likely to meet the comparable fuel specification. By promulgating such a provision, EPA could allow classes of materials from specific small businesses to be excluded from RCRA jurisdiction without following the detailed implementation requirements that are associated with waste stream specific application of the comparable fuels exclusion. Such an outcome would need to be supported by data reviewed by the authorized regulatory agency and would be the subject of notice and comment rulemaking.

If the Agency granted such a petition through rulemaking, such waste would be classified as inherently comparable fuel. As such, the generator would not be subject to the proposed implementation requirements for the comparable fuel exclusion: notification, sampling and analysis, and record keeping. In addition, such inherently comparable fuel could be blended, treated, and shipped off-site without restriction because they had been excluded from regulation as a hazardous waste. Such comparable fuels could then be mixed with used oil and burned according to Part 279 without the land disposal restrictions or other hazardous waste regulations applying.

Regulatory Requirements

A. Regulatory Flexibility Act

This action makes a technical amendment to the CFR, and does not impose any requirements on regulated entities. Therefore, EPA certifies that

this action will not have a significant impact on a substantial number of small entities.

B. Executive Order 12866 and the Paperwork Reduction Act

This action is exempt from review by the Office of Management and Budget under Executive Order 12866. This action does not impose any reporting or record keeping requirements.

C. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's technical amendment contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 279

Environmental protection, Hazardous waste, Recycling, Used oil.

Dated: June 20, 1996.

Elliott Laws,
Assistant Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

1. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114 of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

§ 279.10 [Amended]

2. Section 279.10 is amended by removing the note immediately after paragraph (b)(2)(iii).

[FR Doc. 96-16582 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

48 CFR Part 1552

[FRL-5525-6]

Acquisition Regulation; Coverage on Information Resources Management (IRM)

AGENCY: Environmental Protection Agency

ACTION: Final rule.

SUMMARY: This final rule amends the Environmental Protection Agency Acquisition Regulation (EPAAR) coverage on Information Resources Management (IRM) by providing electronic access to EPA IRM policies for the Agency's contractors. Electronic access is available through the Internet or a dial-up modem. Agency contractors will be required to review the Internet

or access the dial-up modem when receiving a work request (i.e. delivery order or work assignment) to ascertain the applicable IRM policies. The intended effect of this rule is to ensure that contractors perform IRM related work in accordance with current EPA policies.

EFFECTIVE DATE: This rule is effective July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers at (202) 260-6028.

SUPPLEMENTARY INFORMATION:

A. Background

The required EPA Information Resource Management (IRM) policies are currently referenced in a clause contained in all Agency solicitations and contracts. While this clause provides for revised and new directives through attachments to contracts, because of the rapid changes in the IRM field, EPA may still be at risk for requiring compliance with outdated directives. By providing the references and the full text of all required IRM policies on the Internet, or through a dial-up modem, EPA will be able to update this information as changes occur to ensure contractor compliance with current IRM policies. This effort to provide electronic access is consistent with the Federally mandated Government Information Locator Service (GILS), a key initiative of the National Performance Review (NPR).

This regulation was published as a proposed rule in the Federal Register on July 11, 1995. No comments were received.

Minor edits have been made to clarify the nature and protocols of the electronic access. While the proposed rule referenced a dial-up modem bulletin board service (BBS), EPA has subsequently decided that this mode of electronic access does not qualify as a BBS. Therefore, the final rule drops the reference to a BBS.

B. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, et. seq.

D. Regulatory Flexibility Act

The rule is not expected to have a significant impact on a substantial

number of small entities within the meaning of the Regulatory Flexibility Act, U.S.C. 601 et seq.

The Internet and dial-up modems are widely available mechanisms to access information, used commonly in the conduct of business by both small and large entities. Compliance with this requirement will require minimal cost or effort for any entity, large or small.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) P.L. 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Private sector costs for this action relate to expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of section 202 and 205 of the UMRA.

F. Regulated Entities

EPA contractors are entities potentially regulated by this action.

Category	Regulated Entities
Industry	EPA contractors.

Questions regarding the applicability of this action to a particular entity, should be directed to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 48 CFR Part 1552

Government Procurement, Specifications, Standards, and other Purchase Descriptions, Solicitation Provisions and Contract Clauses.

For reasons set out in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is amended as set forth below:

PART 1552—[AMENDED]

1. The authority citation for 48 CFR Part 1552 continues to read as follows:

Authority: Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1552.210-79 is amended by revising paragraphs (b), (c), and (d); and by removing paragraphs (e) and (f) to read as follows:

1552.210-79 Compliance with EPA Policies for Information Resources Management.

* * * * *

Compliance With EPA Policies for Information Resources Management (June 1996)

* * * * *

(b) *General.* The Contractor shall perform any IRM related work under this contract in accordance with the IRM policies, standards and procedures set forth in this clause and noted below. Upon receipt of a work request (i.e. delivery order or work assignment), the Contractor shall check this listing of directives (see paragraph (d) for electronic access). The applicable directives for performance of the work request are those in effect on the date of issuance of the work request.

(1) IRM Policies, Standards and Procedures. The 2100 Series (2100–2199) of the Agency's Directive System contains the majority of the Agency's IRM policies, standards and procedures.

(2) Groundwater Program IRM Requirement. A contractor performing any work related to collecting Groundwater data; or developing or enhancing data bases containing Groundwater quality data shall comply with *EPA Order 7500.1A—Minimum Set of Data Elements for Groundwater.*

(3) EPA Computing and Telecommunications Services. *The Enterprise Technology Services Division (ETSD) Operational Directives Manual* contains procedural information about the operation of the Agency's computing and telecommunications services. Contractors performing work for the Agency's National Computer Center or those who are developing systems which will be operating on the Agency's national platforms must comply with procedures established in the Manual. (This document is only available through electronic access.)

(c) *Printed Documents.* Documents listed in (b)(1) and (b)(2) may be obtained from: U.S. Environmental Protection Agency Office of Administration Facilities Management and Services Division Distribution Section Mail Code: 3204 401 M Street, S.W. Washington, D.C. 20460 Phone: (202) 260–5797

(d) *Electronic access.* (1) *Internet.* A complete listing, including full text, of documents included in the 2100 Series of the Agency's Directive System, as well as the two other EPA documents noted in this clause, is maintained on the EPA Public Access Server on the Internet. Gopher Access: *gopher.epa.gov* is the address to access the EPA Gopher. Select 'menu keyword search' from the menu and search on the term 'IRM Policy'. Look for IRM Policy, Standards and Guidance. World Wide Web Access: *http://www.epa.gov* is the address for the EPA's www homepage. From the homepage, search on the term 'IRM Policy' and look for IRM Policy, Standards and Guidance.

(2) *Dial-Up Modem.* All documents, including the listing, are available for browsing and electronic download through a dial-up modem. Dial (919) 558–0335 for access to the menu that contains the listing for EPA policies. Set the communication parameters to 8 data bits, no parity, 1 stop bit (8,N,1) Full Duplex, and the emulator to VT–100. The information is the same whether accessed through dial-up or the

Internet. For technical assistance, call 1–800–334–2405.

(End of Clause)

Dated: June 5, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–16583 Filed 6–27–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 960126016–6070–02; I.D. 062196D]

General Provisions for Domestic Fisheries; Withdrawal of Emergency Fishing Closure in Block Island Sound

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Termination of an emergency interim rule.

SUMMARY: NMFS terminates the emergency interim rule that closed a portion of Federal waters off the coast of Rhode Island, in Block Island Sound subsequent to an oil spill. Effective immediately, fishing in the previously closed area may resume in accordance with all State and federal regulations and Fishery Management Plans.

EFFECTIVE DATE: Effective June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Morris at (508) 281–9388.

SUPPLEMENTARY INFORMATION: On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.03 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request of, and in conjunction with, the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square kilometers(km)) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

Following the oil spill and the initial closure action, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for amending and reopening fishery closures in the affected area. The protocol set sampling, inspection, and analysis standards, to ensure that seafood harvested from the area would be wholesome and to provide the basis

for amending and reopening the fishery closures.

On March 13, 1996, based on the findings of seafood inspectors and at the request of state officials, NMFS opened the entire area to fishing for and landing of finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (72.5 square km), the area in which fishing for and landing lobsters, clams, and crabs is prohibited. Throughout the expanded closed area the use of lobster traps, bottom trawl or dredge gear was prohibited.

On April 9, 1996, the closure was amended further to allow all fishing to resume, with the exception of lobstering in an area of approximately 42 square miles (108.8 square km) to the east and north of Block Island, RI. This action was published in the Federal Register on April 15, 1996 (61 FR 16401).

On April 24, 1996, testing of lobsters from the portion of the closed area in the exclusive economic zone (EEZ) determined that oil-adulteration persisted in some of the samples. Therefore, the state requested that the closure in the EEZ, which was due to expire on May 1, 1996, be extended. NMFS complied with the state's request and extended the closure (61 FR 20175, May 6, 1996).

On June 3, 1996, at the request of the state and in response to seafood inspection results, NMFS reduced the area in the EEZ in which fishing for lobsters was prohibited (61 FR 27795, June 3, 1996). The new closure area in the EEZ consisted of approximately 12 square miles (31 square km) north and northeast of Block Island.

In accordance with the protocol for amending and reopening the fishery closures, inspection and chemical analysis of the remaining restricted species and closed areas have been conducted periodically. During the most recent round of inspection, evidence of oil adulteration was not discerned in any of the lobster samples. Therefore, NMFS, at the request of the State of Rhode Island, by this action, is terminating the interim emergency rule which prohibited fishing for lobsters in a section of Block Island Sound.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that termination of the emergency interim rule is consistent with the Magnuson Conservation and Management Act and other applicable law.

Fishermen who operate in the area would suffer economic hardship unnecessarily if the current prohibition were to remain in effect. Hence, the AA finds that the foregoing constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Further, as this provision relieves a restriction, it is made effective immediately pursuant to authority at 5 U.S.C. 553(d)(1).

This emergency rule has been determined to be not significant for the purposes of E.O. 12866.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: June 24, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 620.7, paragraph (m) is removed.

[FR Doc. 96-16593 Filed 6-25-96; 2:10 pm]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 335

RIN 3064-AB79

Securities of Nonmember Insured Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is proposing revisions to its regulations, detailing registration and reporting requirements for non-member insured banks with securities required to be registered under section 12 of the Securities Exchange Act of 1934 (Exchange Act). The proposal seeks to incorporate through cross reference the corresponding regulations of the Securities and Exchange Commission (SEC) into the provisions of the FDIC's securities regulations. Incorporation through cross reference will assure that the FDIC's regulations remain substantially similar to the SEC's regulations, as required by law. The FDIC is requesting comments on the cross reference to the SEC's regulations and what additional provisions, if any it should include in the regulation.

DATES: Comments must be received September 26, 1996.

ADDRESSES: Comments should be directed to Jerry L. Langley, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. Comments may be hand delivered to room F-402, 1776 F Street N.W., Washington, D.C., on business days between 8:30 a.m. and 5:00 p.m. [FAX number (202) 898-3838, Internet address: comments@FDIC.gov] Comments may also be inspected in the FDIC Public Information Center, room 100, 801 17th Street, N.W., Washington, D.C. between 8:30 a.m. and 5:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: M. Eric Dohm, Staff Accountant, Division

of Supervision (202-898-8921), Lawrence H. Pierce, Securities Activities Officer, Division of Supervision (202-898-8902), or Gerald J. Gervino, Senior Attorney, Legal Division (202-898-3723), Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

Section 12(i) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78l(i), grants authority to the FDIC to issue regulations applicable to the securities of insured banks (including foreign banks having an insured branch) which are neither members of the Federal Reserve System nor District banks (nonmember banks), which are substantially similar to the SEC's regulations under sections 12 (securities registration), 13 (periodic reporting), 14(a) (proxies and proxy solicitation), 14(c) (information statements), 14(d) (tender offers), 14(f) (election of directors contests), and 16 (beneficial ownership and reporting) of the Exchange Act. Section 12(i) does not however, require the FDIC to issue substantially similar regulations in the event that the FDIC finds that implementation of such regulation is not necessarily in the public interest or appropriate for protection of investors and the FDIC publishes such findings with detailed reasons therefor in the Federal Register.

To date, in 12 CFR part 335, the FDIC has generally maintained its own version of regulations pursuant to sections 12, 13, 14(a), 14(c), 14(d), and 14(f) of the Exchange Act. In 1989, the FDIC incorporated by cross reference the SEC regulations governing going private transactions and issuer tender offers. (54 FR 53592, 12 CFR 335.409 and 335.521). In 1992, SEC regulations under section 16 of the Exchange Act were incorporated by cross reference. (57 FR 4702, 12 CFR 335.401 and 335.402). In 1994, part 335 was amended to conform with more recent changes in the comparable SEC regulations. In connection with its proposed rule, the FDIC requested comment on the desirability of incorporating the SEC rules by cross reference into its own rules (59 FR 22555 (May 2, 1994)).

The FDIC received six comment letters in response to its solicitation.

Commentators were asked to comment upon the following: Should the FDIC consider proposing a revision to part 335, to incorporate by cross reference the comparable rules of the SEC, rather than continue to maintain the separate but substantially similar body of rules contained in part 335 as is done presently? Interested persons were asked to address: (1) The benefits and disadvantages of cross referencing as a method for assuring substantial similarity between the FDIC's and the SEC's regulations; (2) the potential cost savings or cost burden of cross referencing; (3) whether the FDIC should continue to review preliminary proxy materials and information statements; and (4) any other issues regarding a cross referencing proposal which commenters believe pertinent. Written comments were invited to be submitted during a 60-day comment period.

All of the commenters supported cross referencing to some extent. Two felt that the FDIC should be careful to adopt or preserve regulations different from those of the SEC, where FDIC drafted regulations would be more appropriate for banks. None provided an estimate of cost savings from the cross referencing procedure. One commenter indicated that if this cross referencing procedure is adopted, the FDIC should provide notice to banks filing under part 335 that the SEC has amended rules applicable to banks by cross reference.

In the interest of quickly bringing its rules into similarity with those of the SEC, the FDIC adopted the rule amendments as they had been previously proposed. Since the cross referencing proposal was only described generally, it is now necessary to publish an express cross referencing proposal for comment upon the actual method and language to be used.

The proposed revision would incorporate by cross reference the comparable rules of the SEC rather than continue to maintain the separate but substantially similar body of rules presently contained in part 335.

12 CFR part 335 generally applies only to nonmember banks having one or more classes of securities required to be registered under section 12 of the Exchange Act. There are presently 191 banks whose securities are registered.

Proposed Revisions to Part 335

The FDIC proposes to amend 12 CFR part 335 by incorporating through cross reference, the regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), and 14(f) of the Exchange Act. As a result, with the exception of forms filed pursuant to section 16, the FDIC's Exchange Act forms would be eliminated and the SEC's Exchange Act forms would be utilized in filings with the FDIC. All forms filed with the FDIC however, would be required to contain the name of the FDIC in lieu of that of the SEC in order to avoid confusion. The FDIC believes that incorporation through cross reference will make its regulations substantially similar to those of the SEC, as well as those of other federal financial institution regulatory agencies.

The proposed revision would make appropriate SEC regulations applicable to persons subject to part 335, except where part 335 contains a differing or additional requirement or exception. Incorporation through cross reference generally makes all SEC regulations, and amendments thereto, applicable to registered nonmember banks, unless the FDIC acts to vary the SEC's specific requirements. The FDIC believes that this is an effective way to assure that FDIC regulations issued under the Exchange Act remain substantially similar to the SEC's regulations. However, the FDIC will still retain the ability to exempt nonmember banks, through a separate FDIC rulemaking, from any particular SEC rule it determines should not apply to such banks. The FDIC also retains its rulemaking authority to subject nonmember banks to additional or different regulations where warranted.

The FDIC believes that issuance of the proposed regulation would simplify the administration and enforcement of the disclosure provisions of the Exchange Act. This is the approach adopted by the Board of Governors of the Federal Reserve System (12 CFR 208.16), the Office of the Comptroller of the Currency (12 CFR 11.2), and the Office of Thrift Supervision (12 CFR 563d.1). Further, as registrants, investors, and their counsel acquire or expand their familiarity with SEC regulations, incorporation by cross reference should help promote uniformity and consistency of Exchange Act disclosure, without affecting the quality of the administration and enforcement of the provisions of the Exchange Act for which the FDIC is the appropriate regulatory agency.

The FDIC's principal concern with respect to the elimination of FDIC forms

and subsequent use of SEC forms is that filers may incorrectly forward the forms to the SEC. This can create embarrassment and legal liability on the part of the filers for unintentional failure to file the forms. Errors of this kind can interfere with the smooth and efficient administration of public filings under the Exchange Act. For this reason, the FDIC proposes that on all forms to be filed with the FDIC, the cover pages would be required to prominently display the name of the FDIC in lieu of that of the SEC in order to avoid confusion as to the appropriate filing agency.

Proposed Differences From Current Part 335 Regulations

Following is a discussion of the significant differences between the FDIC's existing regulations and the SEC's regulations and procedures which would be incorporated by cross reference under this proposed rule. While there are other differences in the regulations, the FDIC believes them to be technical or minor in nature. If the FDIC adopts the proposed rule, each of these differences will be eliminated.

A. Minimum Asset Test for Registration

The regulations of the SEC and the FDIC differ in the minimum total asset size of an issuing company. The company's asset size is used as one of the triggering criteria (in addition to the number of shareholders) for requiring registration of securities under section 12 of the Exchange Act. Section 12(g) of the Exchange Act (17 U.S.C. 781(g)) requires any issuing company with at least 500 shareholders and a minimum total assets of \$1 million to register the class of securities, subject to limits, exemptions, and conditions prescribed by the SEC or other appropriate regulatory agency. The SEC's Rule 12g-1 (17 CFR 240.12g-1) prescribes the minimum asset test to be \$10 million in total assets. Currently, the FDIC rules do not alter the statutory standard. Incorporation of the SEC's regulations by cross reference, would adopt the SEC's threshold of \$10 million.

B. Shareholder Proposal Rules

The regulations of the SEC and the FDIC differ primarily with respect to the proponent's ownership requirements in stock of an issuing company, and the number of proposals which a proponent may present. The FDIC's rules presently require only that the proponent be a shareholder of the registrant, and that a proponent may submit a maximum of two proposals for inclusion in a registrant's annual meeting proxy statement. The SEC's Rule 14a-8 (17

CFR 240.14a-8) requires a proponent to beneficially own at least 1% or \$1,000 in market value of securities entitled to be voted on the proposal, requires a proponent to have held such securities for at least one year, and permits a proponent to submit only one proposal for inclusion in a registrant's annual meeting proxy statement. Incorporation of the SEC's regulations by cross reference, would adopt the SEC's requirements which include the differences described above.

C. Certification, Suspension of Trading, and Removal From Listing by Exchanges; Unlisted Trading; and Related Filing Requirements

The SEC's rules currently require a national securities exchange to formally certify that a registrant's security has been approved for listing. The SEC's rules contain provisions applicable to suspension of trading on a national securities exchange, withdrawal, and striking of a security from listing and registration. Also, SEC rules prescribe requirements relative to applications, changes, termination, suspension, or exemption of securities admitted to unlisted trading on a national securities exchange. The FDIC's rules currently also require certification by a national securities exchange, but do not contain the additional provisions summarized above. Incorporation of the SEC's regulations by cross reference, would adopt the SEC's rules on Certification By Exchanges (17 CFR 240.12d1-1 through 12d1-6), Suspension Of Trading, Withdrawal, And Striking From Listing And Registration (17 CFR 240.12d2-1 through 12d2-6), and Unlisted Trading (17 CFR 240.12f-1 through 12f-6).

D. Availability of Exchange Act Filings at Federal Reserve Banks

FDIC regulations currently require that copies of all registration statements and periodic reports required by 12 CFR 335.301 through 335.365 (exclusive of exhibits), the proxy and information statements required by 12 CFR 335.201, and annual reports to security holders required by 12 CFR 335.203 will be available for inspection at the Federal Reserve Bank (FRB) of the District in which the bank making the submission is located. The FDIC staff believes that there has been extremely little if any public interest in inspecting these Exchange Act filings at the Federal Reserve Banks. It is also believed that it is difficult for the public to access these filings. Adoption of this proposed rule would eliminate the availability of these Exchange Act filings at the Federal Reserve Banks. All Exchange Act filings

will still be available for inspection at and copies may be obtained from the FDIC in Washington, D.C.

Proposed Differences From SEC Regulations (Superseded SEC Regulations and FDIC Substituted Regulations)

Following is a discussion of the significant differences between the applicable requirements assuming adoption of this proposed rule by FDIC, and the SEC's regulations and procedures which would be incorporated by cross reference. Unless any particular provisions of the SEC's Exchange Act regulations are specifically superseded by the FDIC, incorporation by cross reference would make such provisions applicable to nonmember banks, related parties and investors. The FDIC rules under 12 CFR part 335 currently contain these provisions or requirements and retention thereof is considered warranted. If the FDIC adopts this proposed rule, each of the following differences between the rules of the FDIC and the rules of the SEC will remain in effect.

A. Review of Proxy and Information Statements

The SEC and the FDIC regulations differ significantly in the type of proxy and information statements subject to regulatory review prior to distribution to shareholders. The SEC requires preliminary filings of proxy and information statements, but only concerning those shareholder meetings which are other than "routine" annual meetings. In such cases, the SEC requires preliminary filings to be filed ten days prior to distribution to shareholders (17 CFR 240.14a-6 and 17 CFR 240.14c-5). The FDIC however, currently requires preliminary filings for all shareholder meetings, and requires that the preliminary filings be made at least ten days before routine meetings and 15 days before other than routine meetings (12 CFR 335.204).

The SEC regulations exempt proxy statements for "routine" annual meetings from the requirement of preliminary filing and advance review. While the FDIC receives a moderate number of "routine" meeting filings, the staff has found that it is this category of filings where the most fundamental errors are made. Proxy statements for "routine" annual meetings often contain more basic errors and omissions than in the case of "non-routine" meetings. In the absence of an advance filing, the FDIC must choose between requiring a new meeting after the problem is belatedly discovered or overlooking

noncompliance until the following year. A similar problem may occur in enforcing the regulations with banks that misread or are negligent in interpreting the term "routine".

Accordingly, the FDIC is proposing that its rules under 12 CFR part 335 continue to require the filing of both routine and non-routine preliminary proxy materials for staff review and comment prior to their distribution to shareholders. The FDIC staff believes that the overall benefits resulting from the current requirement under 12 CFR part 335 to file "routine" preliminary proxy statements, exceed the costs attributed to making those filings. Although the FDIC considers a continuation of these requirements appropriate subsequent to adoption of a cross referencing rule, it intends to perform a periodic assessment of this requirement in light of its experience and will propose revisions as warranted.

B. Disclosure of Extensions of Credit to Insiders

The SEC and the FDIC regulations contain requirements for financial institution disclosure of loans to its insiders. SEC regulations generally require the disclosure of certain insider indebtedness in excess of \$60,000 which have preferential terms, were not made in the ordinary course of business, or which involve more than the normal risk of collectibility or involve other unfavorable features. In contrast, since 1965, the FDIC has required: (a) disclosure of insiders' indebtedness on a basis substantially similar to that of the SEC, but without the \$60,000 threshold; and (b) basic disclosure of relatively large extensions of credit to insiders and to insiders as a group, based strictly upon the amount of indebtedness.

Even though loans to insiders are often subject to amount limitations in banking law and regulation, significant amounts of insider loans yet occur. The proposed rule would incorporate the SEC's indebtedness of management disclosure requirements and would also add a requirement to disclose large extensions of credit to insiders and to insiders as a group, based solely upon the amount of indebtedness. The FDIC staff believes that the overall benefit resulting from continuation of the FDIC's current disclosure requirements under 12 CFR part 335 is in the public interest and is appropriate to the banking industry.

C. Filing Fees

The regulations of SEC include very specific requirements for the payment of filing fees which are applicable to and

must be paid by any person or entity filing reports with the SEC under the Exchange Act. The FDIC's proposed rules will not require filing fees to be paid by any person, registrant, or entity making Exchange Act filings with the FDIC.

D. Electronic Data Gathering Analysis and Retrieval (EDGAR)

The SEC's Regulation S-T (17 CFR part 232) requires all registrants to submit filings in electronic format pursuant to its EDGAR system. Although the FDIC is studying the feasibility of the acceptance and administration of electronic filings under the Exchange Act, the FDIC does not accept and is not proposing to accept electronic filings at this time.

E. Legal Proceedings

The SEC and the FDIC regulations currently both require disclosure of legal proceedings in certain filings under the Exchange Act. The FDIC generally requires disclosure of all legal proceedings required to be disclosed by the SEC, and in addition, the FDIC's regulations deem as material and require disclosure of administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act. The FDIC is proposing that its rules under 12 CFR part 335 incorporate the SEC's legal proceedings disclosure requirements by cross reference, and in addition, continue to deem as material and require disclosure of administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act. The FDIC staff believes that the overall benefit resulting from the explicit requirement to disclose proceedings arising under section 8 of the Federal Deposit Insurance Act is in the public interest and is appropriate to the banking industry.

Request for Public Comments

The Board hereby requests comment on all aspects of the proposed rule, particularly those specifically mentioned above. The FDIC requests specific written comments from the public regarding:

(1) The benefits and disadvantages of cross referencing as a method for assuring substantial similarity between FDIC and SEC regulations;

(2) The potential cost savings or cost burden of cross referencing; Please include estimates of specific dollar amounts of any anticipated benefits, as well as amounts of transitional and continuing costs such as purchase of reference aides, staff training, and any

necessary additional professional assistance;

(3) Whether the FDIC should provide any specific exemptions from, or separate additions to the SEC's regulations;

(4) Whether the FDIC should continue to require disclosure of insider extensions of credit as it currently does under its rules in 12 CFR 335.212 Item 7(b); and

(5) Whether the FDIC should continue to also make Exchange Act filings available for inspection at the Federal Reserve Banks.

(6) The appropriate time frame for implementation of the final rule, including the amount of time which should pass after publication of the final rule before compliance with the final rule is required; and

(7) Any other issues regarding the proposal which commenters believe would assist in this rulemaking.

Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the initial regulatory flexibility analysis otherwise required under section 603 of the RFA (5 U.S.C. 603) is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification in the Federal Register along with its general notice of proposed rulemaking. Pursuant to section 605(b) of the RFA, the FDIC certifies that this proposed rule would apply only to those banks whose securities are publicly held. Other covered persons include: insiders of banks; large shareholders of banks; and bidders for bank stock.

These regulations will cross-reference SEC regulations. By statute any differences must be specifically justified through the rulemaking process. The regulations are functionally almost identical. They are issued under the same statutory authority. They share a common legislative purpose. The FDIC considers the applicable SEC rule, defining "small entities", a necessary standard in order to maintain fair and comparable regulation. The FDIC is comparing FDIC regulated banks and SEC regulated nonbank entities, including bank holding companies. The applicable SEC definition of "small entities" sets the upper limit at \$5 million. The SEC has delayed raising this limit until it completes its current and future initiatives in this area. Any SEC revisions in this area should pass through to entities subject to part 335. Currently, there are no banks below this

limit filing under part 335. Further, this rulemaking does not substantially change existing filing requirements for any individual. Based upon this factual background, the FDIC certifies that the proposed amendments will have no economic impact on any identifiable small entities as defined for the class by SEC which is the general regulator in the area.

Paperwork Reduction Act

The collection of information in this proposed rule has been reviewed and approved by the Office of Management and Budget under control number 3064-0030 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Comments on the accuracy of the burden estimate and suggestions for reducing the burden should be directed to the Office of Management and Budget, Paperwork Reduction Project (3064-0030), Washington, D.C. 20503, with copies of such comments to be sent to Steven F. Hanft, Office of the Executive Secretary, room F-400, 550 17th Street, N.W., Washington, D.C. 20429.

This information is needed to assure compliance with the Exchange Act and to provide information to investors and the public about the condition of registered nonmember banks. The likely respondents are for-profit financial institutions—registered nonmember banks, as well as their directors, executive officers and principal shareholders. The total reporting burden for all collections of information in this regulation is currently estimated as follows:

Number of Respondents	3,213
Number of Responses Per Respondent	1.67
Total Annual Responses	5,363
Hours Per Response	8.60
Total Annual Burden Hours	46,036

The estimated annual burden per respondent varies from 30 minutes to 200 hours, depending on the particular form and individual circumstances, with an estimated average of 8.60 hours.

Cost Benefit Analysis

This proposed revision is generally not expected to result in material increases in costs and burden to respondents. Some filers, however, may realize an increase in costs due to an increased need for professional guidance in order to facilitate the making of filings under the Exchange Act. Any overall increase in costs resulting from this proposed rule should be moderate, however, due to the existing general familiarity with the SEC's regulations on the part of registrants, investors, and their counsel.

Any such increase in overall costs should be offset by elimination of the need for potential filers to become familiar with two separate sets of regulations implementing the filing requirements of the Exchange Act.

Statutory Basis

The revisions to the FDIC's rules under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the Exchange Act, are being adopted by the FDIC pursuant to Exchange Act section 12(i).

List of Subjects in 12 CFR Part 335

Accounting, Banks, banking, Confidential business information, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the FDIC proposes to revise part 335 to read as follows:

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

Sec.

- 335.101 Scope of part, authority and OMB control number.
- 335.111 Forms and schedules.
- 335.201 Securities exempted from registration.
- 335.211 Registration and reporting.
- 335.221 Forms for registration of securities and similar matters.
- 335.231 Certification, suspension of trading, and removal from listing by exchanges.
- 335.241 Unlisted trading.
- 335.251 Forms for notification of action taken by national securities exchanges.
- 335.261 Exemptions; terminations; and definitions.
- 335.301 Reports of issuers of securities registered pursuant to section 12.
- 335.311 Forms for annual, quarterly, current, and other reports of issuers.
- 335.321 Maintenance of records and issuer's representations in connection with required reports
- 335.331 Acquisition statements and acquisitions of securities by issuers.
- 335.401 Solicitations of proxies.
- 335.501 Tender offers.
- 335.601 Requirements of section 16 of the Securities Exchange Act of 1934.
- 335.611 Initial statement of beneficial ownership of securities (Form F-7).
- 335.612 Statement of changes in beneficial ownership of securities (Form F-8).
- 335.613 Annual statement of beneficial ownership of securities (Form F-8A).
- 335.701 Filing requirements, public reference, and confidentiality.
- 335.801 Inapplicable SEC regulations; FDIC substituted regulations; additional information.

Authority: 15 U.S.C. 781(i).

§ 335.101 Scope of part, authority and OMB control number.

(a) This part is issued by the Federal Deposit Insurance Corporation (the

FDIC) under section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78)(the Exchange Act) and applies to all securities of FDIC insured banks (including foreign banks having an insured branch) which are neither a member of the Federal Reserve System nor a District bank (collectively referred to as nonmember banks) that are subject to the registration requirements of section 12(b) or section 12(g) of the Exchange Act (registered nonmember banks). The FDIC is vested with the powers, functions, and duties vested in the Securities and Exchange Commission (the Commission or SEC) to administer and enforce the provisions of sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Securities Exchange Act of 1934, as amended (the Exchange Act)(15 U.S.C. 78l, 78m, 78n(a), 78n(c), 78n(d), 78n(f), and 78p)), regarding nonmember banks with one or more classes of securities subject to the registration provisions of sections 12(b) and 12(g).

(b) This part generally incorporates through cross reference, the regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Exchange Act. References to the Commission are deemed to refer to the FDIC unless the context otherwise requires.

(c) The Office of Management and Budget has reviewed and approved the recordkeeping and reporting required by this part (OMB control number 3064-0030).

§ 335.111 Forms and schedules.

The Exchange Act regulations of the SEC, which are incorporated by cross reference under this part, require the filing of forms and schedules as applicable. Reference is made to SEC Exchange Act regulation 17 CFR 249.0-1 regarding the availability of all applicable SEC Exchange Act forms. Required schedules are codified and are found within the context of the SEC's regulations. The filings of all applicable SEC forms and schedules shall be made with the FDIC at the address in this section. They shall be titled with the name of the FDIC in substitution for the name of the SEC. Forms F-7 (§ 335.611), F-8 (§ 335.612), F-8A (§ 335.613), are FDIC forms which are issued under section 16 of the Exchange Act and can be obtained from the Registration and Disclosure Section, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. Reference is also made to § 335.701 for general filing requirements, public reference, and confidentiality provisions.

§ 335.201 Securities exempted from registration.

Persons generally subject to registration requirements under Exchange Act section 12 and subject to this part, shall follow the applicable and currently effective SEC regulations relative to exemptions from registration issued under sections 3 and 12 of the Exchange Act as codified at 17 CFR 240.3a12-1 through 240.3a12-11; 240.12a-4 through 240.12a-7; 240.12g-1 through 240.12h-4.

§ 335.211 Registration and reporting.

Persons with securities subject to registration under Exchange Act sections 12(b) and 12(g), required to report under Exchange Act section 13, and subject to this part shall follow the applicable and currently effective SEC regulations issued under section 12(b) of the Exchange Act as codified at 17 CFR 240.12b-1 through 240.12b-36.

§ 335.221 Forms for registration of securities and similar matters.

(a) The applicable forms for registration of securities and similar matters are codified in subpart C of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

(b) The requirements for Financial Statements can generally be found in Regulation S-X (17 CFR part 210). Banks may also refer to the instructions for FFIEC Reports of Income and Reports of Condition when preparing unaudited interim statements. The requirements for Management's Discussion and Analysis of Financial Condition and Results of Operations can be found at 17 CFR 229.300. Industry Guide 3, Statistical Disclosure by Bank Holding Companies, is codified at 17 CFR 229.802.

(c) A "small business issuer", as defined under 17 CFR 240.12b-2, has the option of filing Small Business (SB) Forms (as codified in 17 CFR part 249) in lieu of the Exchange Act forms otherwise required to be filed, which provide for financial and other item disclosures in conformance with Regulation S-B of the Securities and Exchange Commission (17 CFR part 228). The definition of "small business issuer", generally includes banks with annual revenues of less than \$25 million, whose voting stock does not have a public float of \$25 million or more.

§ 335.231 Certification, suspension of trading, and removal from listing by exchanges.

The provisions of the applicable and currently effective SEC regulations

under section 12(d) of the Exchange Act shall be followed as codified at 17 CFR 240.12d1-1 through 240.12d2-2.

§ 335.241 Unlisted trading.

The provisions of the applicable and currently effective SEC regulations under section 12(f) of the Exchange Act shall be followed as codified at 17 CFR 240.12f-1 through 17 CFR 240.12f-6.

§ 335.251 Forms for notification of action taken by national securities exchanges.

The applicable forms for notification of action taken by national securities exchanges are codified in subpart A of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

§ 335.261 Exemptions; terminations; and definitions.

The provisions of the applicable and currently effective SEC regulations under sections 12(g) and 12(h) of the Exchange Act shall be followed as codified at 17 CFR 240.12g-1 through 240.12h-4.

§ 335.301 Reports of issuers of securities registered pursuant to section 12.

The provisions of the applicable and currently effective SEC regulations under section 13(a) of the Exchange Act shall be followed as codified at 17 CFR 240.13a-1 through 240.13a-17.

§ 335.311 Forms for annual, quarterly, current and other reports of issuers.

(a) The applicable forms for annual, quarterly, current, and other reports are codified in subpart D of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

(b) The requirements for Financial Statements can generally be found in Regulation S-X (17 CFR part 210). Banks may also refer to the instructions for FFIEC Reports of Income and Reports of Condition when preparing unaudited interim reports. The requirements for Management's Discussion and Analysis of Financial Condition and Results of Operations can be found at 17 CFR 229.300. Industry Guide 3, Statistical Disclosure by Bank Holding Companies, is codified at 17 CFR 229.802.

(c) A "small business issuer", as defined under 17 CFR 240.12b-2, has the option of filing Small Business (SB) Forms (as codified in 17 CFR part 249) in lieu of the Exchange Act forms otherwise required to be filed, which provide for financial and other item disclosures in conformance with Regulation S-B of the Securities and

Exchange Commission (17 CFR part 228). The definition of "small business issuer", generally includes banks with annual revenues of less than \$25 million, whose voting stock does not have a public float of \$25 million or more.

§ 335.321 Maintenance of records and issuer's representations in connection with required reports.

The provisions of the applicable and currently effective SEC regulations under section 13(b) of the Exchange Act shall be followed as codified at 17 CFR 240.13d2-1 through 240.13b2-2.

§ 335.331 Acquisition statements and acquisitions of securities by issuers.

The provisions of the applicable and currently effective SEC regulations under section 13(d) and 13(e) of the Exchange Act shall be followed as codified at 17 CFR 240.13d-1 through 240.13e-102.

§ 335.401 Solicitations of proxies.

The provisions of the applicable and currently effective SEC regulations under section 14(a) and 14(c) of the Exchange Act shall be followed as codified at 17 CFR 240.14a-1 through 17 CFR 240.14a-103 and 17 CFR 240.14c-1 through 240.14c-101.

§ 335.501 Tender offers.

The provisions of the applicable and currently effective SEC regulations under section 14(d), 14(e), and 14(f) of the Exchange Act shall be followed as codified at 17 CFR 240.14d-1 through 240.14f-1.

335.601 Requirements of section 16 of the Securities Exchange Act of 1934.

Persons subject to section 16 of the Act with respect to securities registered under this part shall follow the applicable and currently effective SEC regulations issued under section 16 of the Act (17 CFR 240.16a-1 through 240.16e-1), except that the forms described in § 335.611 (Form F-7), § 335.612 (Form F-8), and § 335.613 (Form F-8A) shall be used in lieu of SEC Form 3 (17 CFR 249.103), Form 4 (17 CFR 249.104), or Form 5 (17 CFR 249.105), respectively. Copies of Forms F-7, F-8, F-8A and the instructions thereto can be obtained from the Registration and Disclosure Section, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

§ 335.611 Initial statement of beneficial ownership of securities (Form F-7).

This form shall be filed in lieu of SEC Form 3 pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for initial statements of

beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w) and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.612 Statement of changes in beneficial ownership of securities (Form F-8).

This form shall be filed pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for statements of changes in beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w) and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.613 Annual statement of beneficial ownership of securities (Form F-8A).

This form shall be filed pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for annual statements of beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w), and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.701 Filing requirements, public reference, and confidentiality.

(a) *Filing requirements.* Unless otherwise indicated in this part, one original and four conformed copies of all papers required to be filed with the FDIC under the Exchange Act or regulations thereunder shall be filed at its office in Washington, D.C. Official filings made at the FDIC's office in Washington, D.C. should be addressed as follows: Attention: Registration and Disclosure Section, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. Material may be filed by delivery to the FDIC through the mails or otherwise. The date on which papers are actually received by the FDIC shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the FDIC will be available for inspection at the Federal

Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C.

(c) *Nondisclosure of certain information filed.* Any person filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below.

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the FDIC.

(2) The person shall file with the copies of the statement, report, or document filed with the FDIC:

(i) As many copies of the confidential portion, each clearly marked "Confidential Treatment", as there are copies of the statement, report, or document filed with the FDIC and with each exchange, if any. Each copy shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document;

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain:

(A) An identification of the portion of the statement, report, or document that has been omitted;

(B) a statement of the grounds of objection;

(C) consent that the FDIC may determine the question of public disclosure upon the basis of the application, subject to proper judicial reviews;

(D) the name of each exchange, if any, with which the statement, report, or document is filed;

(iii) The copies of the confidential portion and the application filed in accordance with this paragraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

(3) Pending the determination by the FDIC as to the objection filed in accordance with paragraph (c)(2)(ii) of

this section, the confidential portion will not be disclosed by FDIC.

(4) If the FDIC determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the FDIC shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) Upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC described in paragraph (c)(5) of this section, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) Upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC, if the statement described in paragraph (c)(6)(i) of this section shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) If such petition for judicial review shall have been filed within such 60 days upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the FDIC and with each exchange concerned.

§ 335.801 Inapplicable SEC regulations; FDIC substituted regulations; additional information.

(a) *Filing fees.* Filing fees will not be charged relative to any filings or submissions of materials made with the FDIC pursuant to the cross reference to regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Exchange Act, and this part.

(b) *Electronic filings.* The FDIC does not participate in the SEC's EDGAR (Electronic Data Gathering Analysis and Retrieval) electronic filing program (17 CFR part 232), and does not permit electronically transmitted filings or submissions of materials in electronic format to the FDIC.

(c) *Legal proceedings.* Whenever this part or cross referenced provisions of the SEC regulations require disclosure

of legal proceedings, administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be described.

(d) *Indebtedness of management.* Whenever this part or cross referenced provisions of the SEC regulations require disclosure of indebtedness of management, extensions of credit to specified persons in excess of ten (10) percent of the equity capital accounts of the bank or \$5 million, whichever is less, shall be deemed material and shall be disclosed in addition to any other required disclosure. The disclosure of this material indebtedness shall include the largest aggregate amount of indebtedness (in dollar amounts, and as a percentage of total equity capital accounts at the time), including extensions of credit or overdrafts, endorsements and guarantees outstanding at any time since the beginning of the bank's last fiscal year and as of the latest practicable date.

(1) If aggregate extensions of credit to all specified persons as a group exceeded 20 percent of the equity capital accounts of the bank at any time since the beginning of the last fiscal year, the aggregate amount of such extensions of credit shall also be disclosed.

(2) Other loans are deemed material and shall be disclosed where:

(i) The extension(s) of credit were not made on substantially the same terms, including interest rates, collateral and repayment terms as those prevailing at the time for comparable transactions with other than the specified persons;

(ii) The extension(s) of credit were not made in the ordinary course of business; or

(iii) The extension(s) of credit have involved or presently involve more than a normal risk of collectibility or other unfavorable features including the restructuring of an extension of credit, or a delinquency as to payment of interest or principal.

(e) *Additional information; filing of other statements in certain cases.* (1) In addition to the information expressly required to be included in a statement, form, schedule or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading.

(2) The FDIC may, upon the written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements or disclosures herein required, or the filing in substitution therefor of appropriate

statements or disclosures of comparable character.

(3) The FDIC may also require the filing of other statements or disclosures in addition to, or in substitution for those herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or disclosure about which is otherwise necessary for the protection of investors.

By Order of the Board of Directors.

Dated at Washington, DC this 17th day of June, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96-16256 Filed 6-27-96; 8:45 am]

BILLING CODE 6714-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY86-2-6933b; FRL-5456-3]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the Kentucky State Implementation Plan (SIP) submitted on December 29, 1994, by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet (Cabinet). The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28, 1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act.

In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all

public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by July 29, 1996.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is (404)347-3555 ext. 4216.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: March 12, 1996.

Phyllis Harris,

Acting Regional Administrator.

[FR Doc. 96-16155 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AK13-7101b; FRL-5523-8]

Clean Air Act Attainment Extension for the Municipality of Anchorage Area Carbon Monoxide Nonattainment Area: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: The EPA proposes to grant the one (1) year attainment date extension request for the Municipality of Anchorage (MOA) carbon monoxide (CO) nonattainment area submitted by the State of Alaska on March 26, 1996. In the Final Rules Section of this Federal Register, the EPA is approving the State's extension as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by July 29, 1996.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101.
Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801-1795.

FOR FURTHER INFORMATION CONTACT: Tamara Langton, Environmental Protection Specialist, Office of Air Quality (OAQ-107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-2709.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final

action which is located in the Rules Section of this Federal Register.

Dated: June 3, 1996.

Jane S. Moore,

Regional Administrator.

[FR Doc. 96-16157 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 80

[FRL-5528-2]

World Trade Organization (WTO) Decision on Gasoline Rule (Reformulated and Conventional Gasoline)

AGENCY: Environmental Protection Agency.

ACTION: Invitation for Public Comment.

SUMMARY: EPA is initiating a process to identify and evaluate any and all options available to meet U.S. international obligations, in response to a recent decision by the World Trade Organization (WTO). The WTO decision concerns one aspect of rules issued under the Clean Air Act for conventional and reformulated gasoline. In particular it relates to the baseline used in these programs to determine the requirements for imported gasoline. EPA's goal is to identify any and all feasible options consistent with EPA's commitment to fully protect public health and the environment. Comments are invited from all interested parties on these matters.

DATES: Comments must be received on or before September 26, 1996.

ADDRESSES: Interested parties may submit written comments (in triplicate if possible) for EPA consideration. The comments are to be addressed to: EPA Air and Radiation Docket, Attention: Docket No. A-96-33, Room M-1500, Mailcode 6102, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. The docket is open for public inspection from 8:00 a.m. until 5:30 p.m. Monday through Friday, except on governmental holidays. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying docket materials. Should a commenter wish to provide confidential business information to EPA, such information should not be included with the information sent to the docket. Materials sent to the docket should, however, indicate that confidential business information was provided to EPA.

FOR FURTHER INFORMATION CONTACT: Karen Smith, U.S. EPA, 401 M Street, S.W. (Mailcode 6406J), Washington, D.C. 20460, telephone (202) 233-9674.

SUPPLEMENTARY INFORMATION: The World Trade Organization recently adopted the report of its Appellate Body concerning one aspect of rules issued under the Clean Air Act for conventional and reformulated gasoline. The dispute initiated by Venezuela and Brazil involves the baseline used to set the emissions requirements in these programs for imported gasoline. The WTO concluded that EPA's rules in this matter were inconsistent with U.S. obligations under the General Agreement on Tariffs and Trade (GATT) because they unjustifiably discriminated against imported gasoline. It is important to note that the Clean Air Act was not at issue in this dispute.

The U.S. Government is disappointed with the results of this decision, but is gratified that it fully recognized a country's right to adopt appropriate measures to protect public health and the environment. In addition, the WTO decision clearly recognizes that clean air is an exhaustible natural resource, and that conservation of this resource is covered by the provisions of Article XX(g) of the GATT.

EPA is initiating a process to identify and evaluate all options available to the agency in responding to this decision. EPA's goal is to identify any and all feasible options consistent with EPA's commitment to fully protect public health and the environment, and at the same time consistent with the obligations of the United States under the WTO. Before deciding what course to take, EPA intends to fully evaluate all options identified in this public process. This invitation for public comment is designed to inform EPA's evaluation of the options.

The following description of the relevant regulatory provisions and related issues is provided to help the public in preparing comments. As noted above, the conventional gasoline program contains emissions requirements designed to ensure that gasoline does not degrade in quality from 1990 levels in ways that would adversely affect the levels of air pollution from motor vehicles. The Clean Air Act calls for conventional gasoline produced or imported by a refiner or importer to stay as clean as it was in 1990. See section 211(k)(8) of the Act. To meet this requirement, EPA regulations require that domestic refiners establish a baseline that reflects the quality of the gasoline they produced in 1990. The emission requirements for conventional gasoline are keyed to these individual baselines. For the conventional gasoline program, see 40 CFR 80.90–93, 80.101(b). Individual baselines play a limited role

in the reformulated gasoline program. From 1995 through 1997, certain of the emission requirements for reformulated gasoline are expressed in terms of individual baselines. After that date, individual baselines are not used in the RFG program. See 40 CFR 80.41(h), (j).

Based on the limited ability of importers and domestic blenders to determine the quality of the gasoline they produced or imported in 1990, in almost all cases they are assigned the statutory baseline instead of an individual baseline. The statutory baseline was designed to approximate the national average for 1990 gasoline quality. There is no provision in the regulations under which a foreign refiner may establish an individual baseline, nor are they assigned the statutory baseline. Imported gasoline is regulated through the importer, not the foreign refiner, and foreign refinery modelling information/data may not be used by an importer to establish an importer baseline.

The rulemaking record for the conventional and reformulated gasoline program contains information regarding the environmental, cost, verification and enforcement issues associated with setting the baseline rules for domestic and imported gasoline. For further discussion of these matters, see 59 FR 7716 (February 16, 1994); 59 FR 22800 (May 3, 1994).

One baseline issue considered during the rulemakings noted above involves allowing foreign refiners to petition EPA for approval of an individual baseline for a foreign refinery. This issue was also raised during the WTO dispute settlement proceedings. In this respect, the Appellate Body identified two omissions of the United States: (1) the United States had not sufficiently explored ways of overcoming its administrative concerns with respect to imported gasoline and (2) the United States had considered the costs of compliance with the statutory baseline for domestic refiners but had not adequately considered them for foreign refiners. It is important to note that EPA is inviting comment on all feasible options that the agency should consider. Commenters should not limit themselves to consideration of individual baselines for foreign refiners. EPA is interested in evaluating any alternative approach that would achieve the environmental benefits associated with these gasoline programs while treating domestic and imported gasoline in a manner consistent with U.S. obligations under the WTO.

Some of the issues that are relevant to individual baselines and may also be

relevant to other options include the following:

How would EPA be able to accurately establish a reliable and verifiable individual baseline for a foreign refiner? This would include consideration of the technical problems associated with determining the quality and volume for gasoline imported into the U.S. from a foreign refinery in 1990, determining the refinery of origin for gasoline imported in 1990, and consideration of the role of independent verification in establishing an accurate baseline.

How would EPA be able to adequately monitor compliance and enforce any baseline requirements? This would include consideration of the ability to audit and inspect both foreign and domestic facilities, and the ability to enforce against foreign refiners and importers.

How would EPA be able to effectively determine the refinery of origin of imported gasoline, so as to determine the appropriate baseline to apply to the imported product? This would include consideration of the kind of tracking and segregation needed to ensure effective determination of refinery of origin.

Commenters should address these issues to the extent relevant to the option(s) they are addressing.

Commenters should identify the potential environmental impacts from implementation of any suggested option. For example, for those commenters that might propose individual baselines, this would include consideration of the number of foreign refiners that could seek and be able to establish an individual baseline, the individual baseline levels that could be established, the volume of imported gasoline that could be subject to such a baseline, the areas of the country in which this gasoline would be used, the length of time that a foreign refiner could use an individual baseline, and the regulatory programs in which such a baseline was allowed, e.g. conventional or reformulated gasoline.¹

In addition, EPA invites any other comments relevant to the two issues raised by the appellate body in its report as omissions on the part of the United States—exploring adequately the means of mitigating the administrative problems identified in EPA's earlier

¹ Commenters should be aware that EPA is currently prohibited by law from taking any further action on its May 1994 proposed rule that would have allowed the establishment of individual baselines for foreign refiners for use in the federal reformulated gasoline program. Omnibus Consolidated Recissions and Appropriations Act of 1996, Pub. L. No. 104–134, § 101(e), 142 Cong. Rec. H3922 (daily ed. April 25, 1996); 59 Fed. Reg. 22800 (May 3, 1994).

rulemaking, and considering the costs for foreign refiners that might result from the use of the statutory baseline for imports.

A key criterion in evaluating any options presented in response to this notice will be fully protecting the public health and the environment. The reformulated and conventional gasoline programs are important components in the strategy for achieving that goal. EPA invites comment that would allow EPA to better quantify or characterize potential environmental impacts of any

options proposed by commenters, as well as feasible options to address any such potential impacts.

As noted above, EPA's goal in inviting public comment is to obtain information that will help the agency identify any and all feasible options consistent with EPA's commitment to fully protect public health and the environment, and at the same time consistent with the obligations of the United States under the WTO. EPA requests that commenters provide information and analysis on the public health and

environmental impact associated with any option presented for consideration. Commenters should also identify the economic and other impacts associated with any suggested option, and discuss the relationship of the option to the United States' obligations under the WTO.

Dated: June 20, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96-16541 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

California Coast Province Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Province Advisory Committee (PAC) will meet from 9:30 a.m. to 5:00 p.m., on July 17, 1996, for a field trip beginning at the Bureau of Land Management, 1695 Heindon Rd., Arcata, California; and from 8:00 a.m. to 5:00 p.m. July 18, 1996, at the Trinidad Town Hall, 409 Trinity St., Trinidad, California, for a business meeting. Agenda items to be covered on July 17 include: (1) Redwood National Park restoration work; (2) McDonald Creek restoration; (3) Northcoast estuaries presentation; and (4) Ecotech training program. Agenda items on July 18, include: (1) Open public forum; (2) H.R. 2712, "The Northwest Forest Health and Economic Stabilization Act" information presentation; (3) Stewardship Contracting information presentation; (4) Draft Redwood Habitat Conservation Plan; (5) Agency updates on implementing the Northwest Forest Plan; (6) California Biodiversity Council watershed inventory data base; and (7) Coastal Salmon Initiative. All California Coast Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA, 95988, (916) 934-3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (916) 934-3316.

Dated: June 21, 1996.

Daniel K. Chisholm,

Forest Supervisor.

[FR Doc. 96-16597 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-FK-M

Grain Inspection, Packers and Stockyards Administration

Designation for the Georgia and Schneider (IN) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of the Georgia Department of Agriculture (Georgia), and Schneider Inspection Service, Inc. (Schneider), to provide official services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: August 1, 1996.

ADDRESSES: USDA, GIPSA, FGIS, Janet M. Hart, Chief, Review Branch, Compliance Division, Ag Code 3604, 1400 Independence Ave. SW, Washington, DC 20250-3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the January 31, 1996, Federal Register (61 FR 3372), GIPSA asked persons interested in providing official services in the geographic areas assigned to Georgia and Schneider to submit an application for designation. Applications were due by February 28, 1996. Georgia and Schneider, the only applicants, each applied for designation to provide official services in the entire areas currently assigned to them.

Since Georgia and Schneider were the only applicants, GIPSA did not ask for comments on the applicants.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Georgia and Schneider are able to provide official services in the geographic areas for which they applied. Effective August 1, 1996, and

ending July 31, 1999, Georgia and Schneider are designated to provide official services in the geographic areas specified in the January 31, 1996, Federal Register.

Interested persons may obtain official services by contacting Georgia at 912-368-3130 and Schneider 219-992-2306.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: June 14, 1996

Neil E. Porter

Director, Compliance Division

[FR Doc. 96-16209 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-EN-F

Opportunity for Designation in the Decatur (IL), Grand Forks (ND), and McCrea (IA) Agencies, and the State of South Carolina

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designations of Decatur Grain Inspection, Inc. (Decatur), Grand Forks Grain Inspection Department, Inc. (Grand Forks), and John R. McCrea Agency, Inc. (McCrea), agencies, and the South Carolina State Department of Agriculture (South Carolina) will end December 31, 1996, according to the Act, and GIPSA is asking persons interested in providing official services in the Decatur, Grand Forks, McCrea, and South Carolina areas to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before August 1, 1996.

ADDRESSES: Applications must be submitted to USDA, GIPSA, FGIS, Janet M. Hart, Chief, Review Branch, Compliance Division, Ag Code 3604, 1400 Independence Ave. SW, Washington, DC 20250-3604. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202-690-2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original

application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated: Decatur, main office located in Decatur, Illinois; Grand Forks, main office located in Grand Forks, North Dakota; McCrea, main office located in Clinton, Iowa; and South Carolina, main office located in Columbia, South Carolina, to provide official inspection services under the Act on January 1, 1993.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Decatur, Grand Forks, McCrea, and South Carolina end on December 31, 1996.

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the State of Illinois, is assigned to Decatur:

Bounded on the North by the northern and eastern DeWitt County lines; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line;

Bounded on the East by the eastern Piatt, Moultrie, and Shelby County lines;

Bounded on the South by the southern Shelby County line; a straight line running along the southern Montgomery County line west to State Route 16 to a point approximately one mile northeast of Irving; and

Bounded on the West by a straight line from this point northeast to Stonington on State Route 48; a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 east to DeWitt County; the western DeWitt County line.

Decatur's assigned geographic area does not include the following grain

elevators inside Decatur's area which have been and will continue to be serviced by the following official agency: Champaign-Danville Grain Inspection Departments, Inc.: Moultrie Grain Association, Cadwell, Moultrie County; Tabor and Company, Weedman Grain Company, and Pacific Grain Company, all in Farmer City, DeWitt County; and Monticello Grain Company, Monticello, Piatt County.

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the States of Illinois and Iowa, is assigned to McCrea:

Carroll and Whiteside Counties, Illinois; and

Clinton and Jackson Counties, Iowa.

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the State of North Dakota, is assigned to Grand Forks:

Bounded on the North by the North Dakota State line;

Bounded on the East by the North Dakota State line south to State Route 200;

Bounded on the South by State Route 200 west-northwest to the western Traill County line; the western Traill County line; the southern Grand Forks and Nelson County lines; the southern Eddy County line west to U.S. Route 281; U.S. Route 281 north to State Route 15; State Route 15 west to U.S. Route 52; U.S. Route 52 northeast to State Route 3; and

Bounded on the West by State Route 3 north to State Route 60; State Route 60 west-northwest to State Route 5; State Route 5 west to State Route 14; State Route 14 north to the North Dakota State line.

Grand Fork's assigned geographic area does not include the following grain elevators inside Grand Fork's area which have been and will continue to be serviced by the following official agencies:

1. Grain Inspection, Inc.: Farmers Coop Elevator, Fessenden; Farmers Union Elevator, and Manfred Grain, both in Manfred; all in Wells County; and

2. Minot Grain Inspection, Inc.: Harvey Farmers Elevator, Harvey, Wells County. Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, the entire State of New York, except those export port locations within the State which are serviced by FGIS, is assigned to New York.

Pursuant to Section 7(f)(2) of the USGSA, the entire State of South Carolina, except those export port locations within the State, is assigned to South Carolina.

Interested persons, including Decatur, Grand Forks, McCrea, and South Carolina, are hereby given the

opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the period beginning January 1, 1997, and ending December 31, 1999. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

AUTHORITY: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: June 14, 1996

Neil E. Porter

Director, Compliance Division

[FR Doc. 96-16208 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-EN-F

National Agricultural Statistics Service

Notice of Intent To Extend and Revise a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension for and revision to a currently approved information collection, the Vegetable Survey Program.

DATES: Comments on this notice must be received by September 3, 1996 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250-2000, (202) 720-4333.

SUPPLEMENTARY INFORMATION:

Title: Vegetable Survey Program.

OMB Number: 0535-0037.

Expiration Date of Approval:

December 31, 1996.

Type of Request: Intent to extend and revise a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service

is to prepare and issue State and national estimates of crop and livestock production. The Vegetable Survey Program obtains basic agricultural statistics for fresh market and processing vegetables in major producing states. The fresh market estimating program consists of 25 selected crops and the processing program consists of 10 principle crops. Vegetable statistics are used by the U.S. Department of Agriculture to help administer programs and by growers, processors, and marketers in making production and marketing decisions. These data are collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 minutes per response.

Respondents: Farms and businesses.

Estimated Number of Respondents: 18,000.

Estimated Total Annual Burden on Respondents: 2,700 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720-5778.

COMMENTS: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 14th and Independence Ave., SW., Room 4162 South Building, Washington, D.C. 20250-2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, D.C., June 10, 1996.

Donald M. Bay,

Administrator, National Agricultural Statistics Service.

[FR Doc. 96-16504 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-20-M

Notice of Intent to Extend and Revise a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension for and revision to a currently approved information collection, the Floriculture and Nursery Surveys.

DATES: Comments on this notice must be received by September 3, 1996 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250-2000, (202) 720-4333.

SUPPLEMENTARY INFORMATION:

Title: Floriculture and Nursery Surveys.

OMB Number: 0535-0093.

Expiration Date of Approval: December 31, 1996.

Type of Request: Intent to extend and revise a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production. The Floriculture and Nursery Surveys obtain basic agricultural statistics on production and value of floriculture and nursery products. These statistics are used by the U.S. Department of Agriculture to help administer programs. These data are collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 30 minutes per response.

Respondents: Farms and businesses.

Estimated Number of Respondents: 19,450.

Estimated Total Annual Burden on Respondents: 9,700 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720-5778.

COMMENTS: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 14th and Independence Ave., SW, Room 4162 South Building, Washington, D.C. 20250-2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, D.C., June 10, 1996.

Donald M. Bay,

Administrator, National Agricultural Statistics Service.

[FR Doc. 96-16505 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-20-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List

commodities and services previously furnished by such agencies.

EFFECTIVE DATE: July 29, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On June 9, August 18, 25, September 8, October 6, 1995, January 26, March 1, 15, 22 and April 26, 1996 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 FR 30523, 43126, 43316, 46820, 52388, 61 FR 2494, 8045, 10733, 11811 and 18571) of proposed additions to and deletions from the Procurement List.

Addition

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Bag, Paper, Grocer's

8105-00-NIB-1021 (12" x 7" x 17")

8105-00-NIB-1024 (7" x 4 1/2" x 13 7/8")

8105-00-NIB-1025 (8" x 6" x 16")

(Requirements for the Southern Region of DeCA only)

This action does not affect current contracts awarded prior to the effective

date of this addition or options that may be exercised under those contracts.

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48d) in connection with the commodities and services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following commodities and services are hereby deleted from the Procurement List:

Commodities

Neck Strap, Telephone

5965-00-340-6790

Flag, Signal

8345-00-935-0441

8345-00-935-0639

8345-00-935-0442

8345-00-935-0595

8345-00-935-1839

8345-00-935-0624

8345-00-935-0436

8345-00-935-0474

8345-00-935-0588

8345-00-935-0591

8345-00-935-0592

8345-00-926-6807

8345-00-935-0450

8345-00-935-0453

8345-00-935-0465

8345-00-935-0480

8345-00-935-0483

8345-00-926-6804

8345-00-926-9988

8345-00-935-0638

8345-00-935-0626

8345-00-935-1838

8345-00-926-9987

8345-00-935-0608

8345-00-926-6806

8345-00-926-9984

8345-00-935-0634

8345-00-935-0607

8345-00-935-0475

8345-00-935-0604

8345-00-926-9216

8345-00-935-0471

8345-00-935-0590

8345-00-926-6805

8345-00-935-0582

8345-00-926-9979

8345-00-926-9985

8345-00-935-0631

8345-00-935-0484

8345-00-935-0599

8345-00-926-6810

8345-00-935-0602

8345-00-935-0640

8345-00-935-0623

8345-00-935-0620

8345-00-935-0470

8345-00-935-0473

8345-00-935-0448

8345-00-935-1840

8345-00-926-9978

8345-00-926-6002

8345-00-935-0598

8345-00-935-0447

8345-00-926-9977

8345-00-926-6803

8345-00-935-0597

8345-00-935-0468

8345-00-935-0594

8345-00-935-0467

8345-00-935-0409

8345-00-935-0451

8345-00-935-0633

8345-00-935-0630

8345-00-926-9980

8345-00-935-0446

8345-00-935-0438

8345-00-935-0464

8345-00-935-0437

8345-00-926-6809

8345-00-935-0408

8345-00-935-0619

8345-00-935-0478

8345-00-935-0589

8345-00-926-6003

8345-00-935-0466

8345-00-935-0407

8345-00-926-9219

8345-00-935-0627

8345-00-926-6814

8345-00-935-0445

Pennant, Signal, and Special Flags

8345-00-935-4755

8345-00-926-6028

8345-00-926-5987

8345-00-935-0404

8345-00-935-0421

8345-00-935-0513

8345-00-935-0497

8345-00-914-6077

8345-00-935-0406

8345-00-935-0415

8345-00-935-3199

8345-00-935-0411

8345-00-926-6026

8345-00-926-9214

8345-00-935-0503

8345-00-935-0500

8345-00-825-1819

8345-00-935-3201

8345-00-825-1847

8345-00-926-9208

8345-00-914-6083

8345-00-914-6080

8345-00-926-5990

8345-00-935-0519
 8345-00-935-0405
 8345-00-914-6076
 8345-00-926-9207
 8345-00-825-1839
 8345-00-825-1868
 8345-00-935-4753
 8345-00-935-0420
 8345-00-935-1841
 8345-00-825-1818
 8345-00-935-0539
 8345-00-935-0524
 8345-00-935-0518
 8345-00-935-0495
 8345-00-935-0509
 8345-00-935-0492
 8345-00-935-0517
 8345-00-914-6075
 8345-00-935-0410
 8345-00-926-9215
 8345-00-935-0538
 8345-00-926-9212
 8345-00-926-9211
 8345-00-935-0526
 8345-00-935-0514
 8345-00-935-0537
 8345-00-935-0508
 8345-00-935-0534
 8345-00-935-0403
 8345-00-914-6087
 8345-00-935-1843
 8345-00-935-0419
 8345-00-935-0525
 8345-00-935-0542
 8345-00-935-0504
 8345-00-935-0541
 8345-00-935-0522
 8345-00-921-4497
 8345-00-914-6084
 8345-00-935-0521
 8345-00-935-0536
 8345-00-926-1549
 8345-00-935-0490
 8345-00-935-0493
 8345-00-914-7411
 8345-00-935-4754
 8345-00-935-0418
 8345-00-926-9213
 8345-00-926-9210
 8345-00-935-0512
 8345-00-935-0511
 8345-00-914-6086
 8345-00-935-0417
 8345-00-926-1548
 8345-00-926-5989
 8345-00-935-4756
 8345-00-825-1840
 8345-00-935-0499
 8345-00-935-0501
 8345-00-914-6085
 8345-00-935-0540
 8345-00-914-6079
 8345-00-935-0523
 8345-00-914-6082
 8345-00-935-0520
 8345-00-914-6081
 8345-00-926-5988
 8345-00-935-0416
 8345-00-926-5991
 8345-00-926-1552
 8345-00-926-1551

Sea Marker, Fluorescein Dye
 6850-00-270-9986

Cover, Service Cap

8405-01-046-8544

8405-01-046-8545

Necktab, Women's Shirt

8445-01-295-3434

Modification Kit, Harness, Head

4240-01-220-3201

Harness, Head

4240-01-M14-0174

File Front and Back

7510-00-NIB-0001

7510-00-NIB-0002

Duplicate Diazo Microfiche Program

7690-00-NSH-0019

Water Bag, Nylon Duck

8465-01-310-1259

Services

Commissary Shelf Stocking and Custodial

Mare Island Naval Shipyard, Vallejo,
 California

Janitorial/Custodial

U.S. Army Reserve Center, 2100 Quaker
 Point Road, Quakertown, Pennsylvania
 Henry R. Koen Federal Building, W. Main
 and Fargo Street, Russellville, Arkansas

Commissary Shelf Stocking and Custodial

Naval Support Activity, Sand Point, Seattle,
 Washington

Janitorial/Custodial

Area C, Wright-Patterson Air Force Base,
 Ohio
 Naval Intelligence Command Building I,
 Suitland, Maryland

Janitorial/Elevator Operator

Southeast Federal Center, Building 167,
 Washington, DC

Commissary Shelf Stocking and Custodial

Fort Story, Virginia

*Commissary Shelf Stocking, Custodial and
 Warehousing*

Griffiss Air Force Base, New York

Sanding and Oiling of Picnic Tables

Deschutes National Forest, Bend Ranger
 District, Bend, Oregon

Beverly L. Milkman,

Executive Director.

[FR Doc. 96-16602 Filed 6-27-96; 8:45 am]

BILLING CODE 6353-01-P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From
 People Who Are Blind or Severely
 Disabled.

ACTION: Proposed additions to
 procurement list.

SUMMARY: The Committee has received
 proposals to add to the Procurement List
 commodities and services to be

furnished by nonprofit agencies
 employing persons who are blind or
 have other severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR
 BEFORE:** July 29, 1996.

ADDRESSES: Committee for Purchase
 From People Who Are Blind or Severely
 Disabled, Crystal Square 3, Suite 403,
 1735 Jefferson Davis Highway,
 Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT:
 Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: This
 notice is published pursuant to 41
 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its
 purpose is to provide interested persons
 an opportunity to submit comments on
 the possible impact of the proposed
 actions.

If the Committee approves the
 proposed additions, all entities of the
 Federal Government (except as
 otherwise indicated) will be required to
 procure the commodities and services
 listed below from nonprofit agencies
 employing persons who are blind or
 have other severe disabilities.

I certify that the following action will
 not have a significant impact on a
 substantial number of small entities.
 The major factors considered for this
 certification were:

1. The action will not result in any
 additional reporting, recordkeeping or
 other compliance requirements for small
 entities other than the small
 organizations that will furnish the
 commodities and services to the
 Government.

2. The action does not appear to have
 a severe economic impact on current
 contractors for the commodities and
 services.

3. The action will result in
 authorizing small entities to furnish the
 commodities and services to the
 Government.

4. There are no known regulatory
 alternatives which would accomplish
 the objectives of the Javits-Wagner-
 O'Day Act (41 U.S.C. 46-48c) in
 connection with the commodities and
 services proposed for addition to the
 Procurement List.

Comments on this certification are
 invited. Commenters should identify the
 statement(s) underlying the certification
 on which they are providing additional
 information.

The following commodities and
 services have been proposed for
 addition to Procurement List for
 production by the nonprofit agencies
 listed:

Commodities

Tool Box and Kit
 5140-01-424-9917

5180-01-423-6468

NPA: Kandu Industries, Inc., Holland,
Michigan

Stand, Office Machine

7110-01-136-1563

7110-00-601-9835

7110-00-601-9849

(Requirements for GSA Zone 1 only)

NPA: Knox County ARC, Knoxville,
Tennessee

Paper, Bond & Writing

7530-00-160-9165

7530-00-616-7284

7530-00-515-1086

7530-01-364-9488

7530-01-078-5649

7530-01-077-5386

7530-01-071-9792

7530-01-509-8632

7530-01-071-9795

7530-01-077-5387

7530-01-077-5386

NPA: Louisiana Association for the Blind,
Shreveport, Louisiana

SPEAR Insulation Subsystem

8415-01-F01-0191 thru -0225

(Requirements for the U.S. Army Soldier
Systems Command, Natick, MA)

NPA: Peckham Vocational Industries, Inc.,
Lansing, Michigan

Services

Commissary Shelf Stocking and Custodial,
Wright-Patterson Air Force Base, Ohio

NPA: Goodwill Industries of the Miami
Valley, Dayton, Ohio

Janitorial/Custodial, Stewart Army Subpost,
New Windsor, New York

NPA: Orange County Rehabilitation Center—
Occupations Incorporated, Middletown,
New York

Janitorial/Custodial, Randolph Air Force
Base, Texas

NPA: Development Resources, Inc., San
Antonio, Texas

Petroleum Support, Fort Sam Houston/Camp
Bullis, Texas

NPA: Goodwill Industries of San Antonio,
San Antonio, Texas

Warehouse Operation, Naval Air Warfare
Center Training Systems Division, 12350
Research Parkway, Orlando, Florida

NPA: Goodwill Industries of Central Florida,
Orlando, Florida

Beverly L. Milkman,

Executive Director.

[FR Doc. 96-16603 Filed 6-27-96; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Thailand; Final Results of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Order

AGENCY: Import Administration,
International Trade Administration,
Department of Commerce.

ACTION: Notice of Final Results of
Antidumping Duty Administrative
Review and Revocation of Antidumping
Duty Order.

SUMMARY: On December 7, 1995, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Thailand. The class or kind of merchandise covered by this order is ball bearings. This review covers one producer and/or exporter of antifriction bearings to the United States for the period May 1, 1993, through April 30, 1994.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results. We have determined the margins for NMB Thai Ltd., Pelmec Thai Ltd., NMB Hi-Tech Bearings Ltd., and NMB Corporation (collectively, NMB/Pelmec) to be *de minimis*. We have also determined that NMB/Pelmec has met the requirements for revocation.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Lyn Johnson or Rich Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Background

On May 15, 1989, the Department published in the Federal Register (54 FR 20909) the antidumping duty order

on ball bearings and parts thereof from Thailand. On June 22, 1994, in accordance with 19 C.F.R. 353.22(c), we initiated an administrative review of this order for the period May 1, 1993, through April 30, 1994 (59 FR 32180). The Department conducted a verification of NMB/Pelmec's response for this period of review.

On May 31, 1994, NMB/Pelmec submitted a request, in accordance with 19 C.F.R. 353.25(b), to revoke the order with respect to NMB/Pelmec's sales of this merchandise. In accordance with 19 C.F.R. 353.25(a)(2)(iii), this request was accompanied by certifications from the firm that it had not sold the relevant class or kind of merchandise at less than foreign market value (FMV) for a three-year period, including this review period, and would not do so in the future. NMB/Pelmec also agreed to its immediate reinstatement in the relevant antidumping order, as long as any firm is subject to this order, if the Department concludes under 19 C.F.R. 353.22(f) that, subsequent to revocation, it sold the subject merchandise at less than FMV.

On December 7, 1995, we published in the Federal Register the preliminary results of our administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from France, Germany, Japan, Singapore, Sweden, and Thailand (60 FR 62817) wherein we gave notice of our intent to revoke the order on Thailand and invited interested parties to comment. On January 31, 1996, and February 8, 1996, parties to the Thailand proceeding submitted their case and rebuttal briefs, respectively. At the request of interested parties, we held a public hearing for the Thailand proceeding on February 14, 1996.

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

The products covered by this order, antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs) from Thailand, fall within the following class or kind of merchandise:

Ball Bearings and Parts Thereof: These products include all AFBs that employ balls as the roller element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof. Imports of these

products are classified under the following Harmonized Tariff Schedule (HTS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.10, 8482.99.35, 8482.99.6590, 8482.99.70, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.58, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90.

The size or precision grade of a bearing does not influence whether the bearing is covered by the order. For a further discussion of the scope of the orders being reviewed, including recent scope determinations, see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 60 FR 10900 (February 28, 1995) (*AFBs IV*).

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made the following changes in the final results:

In our computer calculations of profit for constructed value (CV) we inadvertently omitted interest expense. We have included this expense in our final calculations. We also changed the program to perform a test for profit so that the greater of actual profit or the statutory minimum of eight-percent profit is used. Finally, we improperly classified insurance as a direct selling expense. Since insurance identified in the response covers pre-sale transportation from the factory to the warehouse, we have reclassified it as an indirect selling expense for the final results.

Analysis of Comments Received

We invited interested parties to comment on our preliminary results and intent to revoke the order. We received case and rebuttal briefs from The Torrington Company (Torrington), petitioner in this proceeding, and respondent, NMB/Pelmec Thailand. We held a public hearing on February 14, 1996.

Company-Specific Issues

Comment 1: Torrington argues that the Department was incorrect in applying the statutory minimum for calculating profit, selling, general and

administrative expense (SG&A). The petitioner also claims that the Department did not compute average home market (HM) profits as a percentage of costs nor did it check to determine whether such profits exceed the statutory minimum. In addition, Torrington argues that the Department did not calculate profits based only on sales to unrelated parties. Torrington suggests that, in calculating profit for sales to unrelated parties, below-cost sales should be excluded since, in Torrington's opinion, such sales should not be considered to have been made in the "ordinary course of trade."

NMB/Pelmec claims that it calculated weighted-average profit margins and determined whether actual profit was above or below the statutory minimum before applying it to CV. Thus, it contends, it performed a proper analysis of the profit margins prior to entering the information into the computer database. NMB/Pelmec also argues that Torrington's suggestion to exclude below-cost sales from the profit calculation is at odds with the Department's past determinations. Respondent claims that Torrington has not demonstrated that below-cost sales were not made in the "ordinary course of trade." Therefore, NMB/Pelmec contends that the Department should include all HM sales in the profit calculation.

Department's Position: We performed a partial analysis of the profit margins before applying them to CV. For the preliminary results, we calculated an average profit margin as a percentage of CV; however, we did not test this percentage to determine whether profit was above or below the statutory minimum. Therefore, for the final calculations, we have tested the profit information to ensure that we use the greater of actual profit or the statutory minimum of eight-percent profit.

In response to Torrington's argument that the Department should limit its calculation of profit to sales to unrelated parties, such calculations were not possible in this case. Where the Department has calculated profit on sales to unrelated parties, it had HM cost of production (COP) data on the record of the segment of the proceeding. (See *AFBs IV*.) However, for this review, since we were not conducting a sales-below-cost investigation, we did not have the cost information necessary to calculate profit rates for related and unrelated parties. Therefore, we used the profit information that we requested and which NMB/Pelmec provided in calculating CV.

Finally, we reject Torrington's suggestion that below-cost sales are per

se outside the ordinary course of trade. See *Torrington v. United States*, 881 F. Supp. 622, 633 (CIT 1995). The Department considers a variety of circumstances in determining whether HM sales are outside the ordinary course of trade. In this review, Torrington has failed to provide any evidence demonstrating that below-cost sales are outside the ordinary course of trade.

Comment 2: Torrington contends that interest expense should be included in the calculation of COP. According to petitioners, the formula for calculating profits in the Department's calculations does not include interest expenses, so that the calculation of profit is understated.

Department's Position: We agree that, for our CV calculations, it is appropriate to include interest expenses in the cost figures we use to calculate profit. (See section above entitled "Changes Since the Preliminary Results.")

Comment 3: Torrington argues that the Department has been inconsistent in its treatment of NMB/Pelmec's "Route B" sales to HM customers. Torrington refers to NMB/Pelmec's two methods for routing sales to customers in the home market: 1) Route A sales in which subject merchandise is sold directly to related and unrelated customers in Thailand, and 2) Route B sales in which subject merchandise is first shipped to an affiliated party in Singapore prior to sale to related and unrelated customers in Thailand. Torrington contends that Route B sales should be excluded for purposes of assessing the viability of Thailand as a comparison market. Torrington notes that the Court of International Trade (CIT) remanded the 1990-91 review of this order to the Department with two decisions: first, the CIT instructed the Department to explain its differing treatment of Route B sales from the original investigation and, second, that NMB/Pelmec did not establish that Route B sales were correctly classified in the 1990-91 review before including them as HM sales. Also, Torrington argues that, as in the original less-than-fair-value (LTFV) investigation, the fact that subject merchandise was exported to Singapore and was exempt from taxes and duties confirmed, in part, that Route B sales were export sales.

NMB/Pelmec argues that the Department is correct in identifying Route B sales as HM sales. First, NMB/Pelmec points out that the record indicates that subject merchandise was shipped to Singapore with the knowledge that it would be returned for sale in Thailand. Second, NMB/Pelmec contends that the Department's decision

in the preliminary results is consistent with the Department's prior decisions. NMB/Pelmec notes that the Department's explanation as to why Route B sales are reclassified as HM sales in the second and subsequent reviews is clear in the *Final Results of Redetermination Pursuant to Court Remand* at 12, filed on August 10, 1995, in *Torrington Company v. United States*, 881 F. Supp. 622 (CIT 1995).

Finally, NMB/Pelmec claims that Torrington's argument that Route B sales were export sales because the sales were exempt from taxes and duties has already been addressed by the Department. NMB/Pelmec notes that in the remand in the second review, the Department stated, "Second, we recognize that HM sales can have different tax or duty treatments based on the particular circumstances of the sale. For example, certain bearings may be exempted from certain taxes and duties if they are consumed in the production of an export product such as a machine. However, since such bearings are consumed in the home market, they are undeniably HM sales of bearings regardless of the fact that the machine made from these bearings was ultimately exported and the tax treatment of these HM bearings sales is different from other HM sales of bearings." See *Final Results of Redetermination Pursuant to Court Remand* in Ct. No. 92-07-00483, August 14, 1995, at 12.

Department's Position: We agree with NMB/Pelmec that Route B sales are properly classified as HM sales. Route B merchandise is shipped to NMB/Pelmec's Singapore selling affiliate with the knowledge that it will be returned to Thailand for delivery to the unrelated customer. Therefore, the first unrelated sale in this review for all Route B sales occurred in Thailand. This differs from the original LTFV investigation in which certain sales made through the affiliate in Singapore, which NMB Thailand classified as Route B sales, were sold to an unrelated customer in Singapore. In the LTFV investigation, we determined that those particular Route B sales were third country sales, not HM sales. This distinction is significant, since, under section 773(a)(1)(A) of the Act, the ultimate consideration as to whether the sales in question are HM sales is whether the merchandise "is sold, or in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual commercial quantities and in the ordinary course of trade for home consumption. . . ." (emphasis added). We have not been inconsistent in our treatment of Route B

sales since the fact pattern differs between the LTFV investigation and this review. In addition, although HM sales can have different tax or duty treatments based on the particular circumstances of the sale, this does not alter the fact that the sales were consumed in the home market, which we have previously addressed in the remand in the second review as noted by NMB/Pelmec above. Therefore, we have included NMB/Pelmec's Route B sales as HM sales in our analysis.

Comment 4: The Torrington Company argues that NMB/Pelmec's reported movement expenses and charges for Route B sales should not be deducted from foreign market value (FMV) since Route B sales should not be considered HM sales. It contends that such expenses, *i.e.*, pre-sale freight expenses, are unrelated to the sale of bearings in Thailand.

NMB/Pelmec contends that pre-sale freight expenses for Route B sales are direct expenses and should be deducted from FMV through a circumstance-of-sale-adjustment. However, if the Department concludes that these expenses are indirect, NMB/Pelmec claims that it is still entitled to an adjustment under the exporter's sales price (ESP) offset provision of the regulations.

Department's Position: We disagree with Torrington that Route B sales are not HM sales (see our response to comment 4). However, the record shows that charges NMB/Pelmec incurred in shipping the merchandise to Singapore are pre-sale freight charges. Since NMB/Pelmec has not demonstrated that these freight charges are related directly to particular sales made in Thailand, we have treated the charges in these final results as indirect selling expenses.

Comment 5: Torrington argues that NMB/Pelmec should not be allowed adjustments for duty drawback. It claims that NMB/Pelmec did not demonstrate any link between the duties alleged to be paid and rebated and what was actually paid and rebated.

NMB/Pelmec contends that the Department verified all aspects of what it claimed for the adjustment for uncollected duties, and refers to the Department's Verification Report of March 16, 1995.

Department's Position: We agree with NMB/Pelmec that we verified respondent's claimed adjustments, as noted in our Verification Report of March 16, 1995, and found respondent's claim to be appropriate.

General Issues

Comment 6: Torrington argues that the Department should require

respondents to affirm that responses conform to any prior Department determinations in these reviews. As an example, Torrington comments that, if, as a result of litigation, the Department changed its methodology with respect to price adjustments for a firm, that firm should indicate that its response for this review conforms to the latest changes in methodology.

Department's Position: Torrington's comment is directed at certain changes which do not apply in the case of NMB/Pelmec.

Comment 7: Torrington argues that the Department's calculation of the deposit rate is not tax-neutral and is adversely affected by the Department's new value-added tax methodology. Torrington claims that, since United States price (USP) is likely to be higher than entered value, the Department's deposit rate calculation based on USP results in understated deposit rates. Therefore, Torrington argues that the Department should recalculate deposit rates using the relationship between the total dumping duties due and total entered value instead of using total adjusted USP in the denominator.

Department's Position: Because we are revoking the order based on the fact that NMB/Pelmec has had a three-year period in which we have not calculated dumping margins greater than *de minimis*, we are not establishing a deposit rate for NMB/Pelmec. Therefore, this issue is moot for this order.

Comment 8: Torrington argues that the Department should recalculate profit for constructed value to exclude below-cost sales. Petitioner contends that, in such calculations, losses incurred on below-cost sales will offset profits companies realize on above-cost sales, thus decreasing the calculated average profit. If the Department does not calculate profit based solely on above-cost sales, petitioner asks that the Department calculate average profit by totalling all profits realized on profitable sales and dividing the result by total COP on all sales.

Department's Position: We disagree with Torrington's contention, as we have in prior reviews, that the calculation of profit should be based only on sales that are priced above the COP. (See *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.*, 58 FR 39729, 39752 (July 26, 1993), and *AFBs IV* at 10922.) The Department's methodology for calculating profit in determining CV is in compliance with section 773(e)(1)(B) of the Act. The

statute does not explicitly instruct us to disregard below-cost sales in the calculation of profit. Accordingly, it would be inappropriate for the Department to read such a requirement into the statute. Thus, the Department does not deem it necessary to change its methodology as further suggested by petitioner. (Comment 1 also relates to this issue.)

Comment 9: Torrington argues that a sale should be presumed to be an export sale whenever the circumstances suggest that the sales are not for home market consumption. As an example, Torrington comments that, where the record for a company shows that either a HM customer (or related party) has U.S. manufacturing facilities which use bearings in a further-manufactured article or export documents were prepared by the manufacturer, the Department should presume that the manufacturer knew or should have known that the sales in question were for export. Petitioner further notes that, in this case, if the respondent provides adequate rebuttal evidence, the presumption is then defeated. Petitioner argues that this creates incentive for respondents to find out whether such sales are for home market consumption and to report relevant information.

Department's Position: With the exception of Route B sales, we find no evidence on the record that HM sales of NMB/Pelmech's merchandise were exported. With respect to Route B sales, see our response to Comment 3.

Comment 10: Torrington argues that the Department should not exclude U.S. sales of bearings used by a related party as a minor component in a further-manufactured article.

Department's Position: Since NMB/Pelmech did not have sales of bearings used by a related party as a minor component in further manufacturing, and the Department did not exclude such sales in this case, this issue does not apply to the firm.

Comment 11: Torrington argues that the Department should calculate profit on the basis of sampled, above-cost HM sales only. Petitioner contends that profit for CV should be based on profits on sampled HM sales, not on sales of the class or kind of merchandise generally in the home market. Petitioner claims that the use of the sampled sales insures that profit is based on a verified database of sales of in-scope merchandise of the same general class or kind, as opposed to the use of general profit data, for which the Department has little assurance that the reported profits are actually based on sales of in-scope merchandise of the same general class or kind.

Department's Position: We disagree with Torrington's contention that profit should be calculated on the basis of the sampled sales. The Department consistently used profit information based on the general class or kind of merchandise. See *AFBs IV* at 10923. As far as above-cost sales are concerned, see our response to Comment 3.

Comment 12: Torrington asks that the Department reconsider its treatment of antidumping duties and deduct such duties from ESP as a selling cost.

Department's Position: We disagree with petitioner. As stated in *AFBs IV* at 10905, it has been our consistent interpretation of 19 CFR 353.26 that evidence of reimbursement is necessary before we can make an adjustment to USP. In this review, Torrington has not identified record evidence that there was reimbursement of antidumping duties, and we have not adjusted USP for the duties.

Final Results of Review

We determine that, for the period May 1, 1993, through April 30, 1994, NMB/Pelmech had a weighted-average antidumping duty margin of 0.19 percent, which is de minimis. We further determine that NMB/Pelmech has not sold ball bearings at less than FMV for three consecutive review periods, including this review period. The certification from the firm (mentioned above) and the fact that there were no comments with respect to our intent to revoke this order in the preliminary results warrant revocation of the order. Therefore, the Department is revoking the order on antifriction bearings (other than tapered roller bearings) and parts thereof from Thailand, with regard to ball bearings, in accordance with section 751(c) of the Act and 19 CFR 353.25.

This revocation applies to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 1, 1994. The Department will order the suspension of liquidation ended for all such entries and will instruct the Customs Service to release any cash deposit or bonds. The Department will further instruct Customs to refund with interest any cash deposits on post-May 1, 1994 entries. In addition, the Department will terminate the review covering subject merchandise from Thailand sold during the period May 1, 1994, through April 30, 1995, which was initiated on June 19, 1995 (60 FR 31952).

Assessment Rates: The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Because

sampling and other simplification methods prevent entry-by-entry assessments, we will calculate wherever possible an exporter/importer specific assessment rate for each class or kind of antifriction bearings.

Exporter's Sales Price Sales: For ESP sales, which we sampled, we divided the total dumping margin for the reviewed sales by the total entered value of those reviewed sales for the importer. We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on entries under the relevant order during the review period. While the Department is aware that the entered value of sales during the period of review (POR) is not necessarily equal to the entered value of entries during the POR, use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review, revocation, and notice are in accordance with sections 751(a)(1) and 751(c) of the Act (19 U.S.C. 1675(a)(1)) and sections 353.22 and 353.25 of the Department's regulations (19 CFR 353.22 and 19 CFR 353.25).

Dated: June 21, 1996.
Robert S. LaRussa,
Acting Assistant Secretary for Import
Administration.

[FR Doc. 96-16614 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-DS-P

Minority Business Development Agency

Business Development Center Applications: Charleston, South Carolina

AGENCY: Minority Business Development Agency, Commerce.
ACTION: Amendment.

SUMMARY: On page 29737, Federal Register, dated Wednesday, June 12, 1996, solicitation to operate the Charleston Minority Business Development Center is amended to read: Pre-Application Conference: Wednesday, June 26, 1996, at 9:00 a.m., at the Atlanta Regional Office, 401 W. Peachtree Street, N.W., Suite 1715, Atlanta, Georgia 30308-3516. The closing date for applications is July 15, 1996.

FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE, CONTACT: Robert Henderson at (404) 730-3300.

(Catalog of Federal Domestic Assistance: 11.800 Minority Business Development Center)

Dated: June 24, 1996.

Frances B. Douglas,
*Alternate Federal Register Liaison Officer,
Minority Business Development Agency.*
[FR Doc. 96-16545 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-21-P

National Oceanic and Atmospheric Administration

Florida Keys National Marine Sanctuary Advisory Council; Open Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Florida Keys National Marine Sanctuary Advisory Council Notice of Open Meeting.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

TIME AND PLACE: July 12, 1996 from 9:00 a.m. until adjournment. The meeting location will be at the Monroe County Government Center, Conference Room, 2696 Overseas Highway, Marathon, Florida.

AGENDA: .

1. Update on the status of the Final Environmental Impact Statement and Management Plan for the Florida Keys National Marine Sanctuary.

2. Discussion of water quality issues in the Florida Keys.

3. Discussion of the Site Characterization of the Florida Keys compiled by Kathleen Sullivan and Dr. Mark Chiappone.

PUBLIC PARTICIPATION: The meeting will be open to public participation; the time period from 4:00 p.m. to 5:00 p.m., will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: June Cradick at (305) 743-2437.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 24, 1996.

W. Stanley Wilson,
*Assistant Administrator for Ocean Services
and Coastal Zone Management.*

[FR Doc. 96-16499 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-08-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:00 p.m., Tuesday, July 2, 1996.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

Matter to be Considered

FY 1998 Budget

The staff will brief the Commission on issues related to the Commission's budget for fiscal year 1998.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504-0800.

Dated: June 25, 1996.

Sadye E. Dunn,
Secretary.

[FR Doc. 96-16722 Filed 6-26-96; 1:59 pm]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Assessment and Finding of No Significant Impact for the Relocation of the 1111th Signal Battalion, the 1108th Signal Brigade and a Portion of the Information Systems Engineering Command-CONUS From Fort Ritchie, Maryland, to Fort Detrick, Maryland

AGENCY: Department of the Army, DoD.

ACTION: Notice availability.

SUMMARY: In accordance with Public Law 101-510, the Defense Base Closure and Realignment Act of 1990, the Defense Base Closure and Realignment Commission recommended the relocation of the 1111th Signal Battalion, the 1108th Signal Brigade and a portion of the Information Systems Engineering Command-CONUS from Fort Ritchie, Maryland, to Fort Detrick, Maryland. The Army will also relocate the Technical Applications Office and associated Base Operations support personnel to Fort Detrick, Maryland, pursuant to this recommendation.

The Environmental Assessment (EA) evaluates the environmental impacts associated with the transfer of approximately 1,147 personnel and the renovation and construction projects required to accommodate these transferring personnel. Of these positions, approximately 636 military will be attached to Fort Detrick for quarters, rations, and UCMJ purposes only. These 636 military and 158 civilian personnel will continue to work at the Alternate National Military Command Center, control of which will be transferred from the Military District of Washington to the Medical Command as a result of this action. The remaining personnel will be attached to Fort Detrick for all purposes.

No significant project environmental impacts were identified. Potential for only minor or insignificant impacts in anticipated in the areas of noise, water quality, stormwater, geology, soils, traffic, asbestos and radon management, visual and aesthetic values, on-post housing, and shops and services. Minor impacts from the construction of new facilities and the renovation of existing buildings are not expected to be significant with the implementation of Best Management Practices, other required procedures, surveys and studies. Potential asbestos or random impacts will be mitigated by conducting the proper testing and taking action as necessary. Traffic impacts are not expected to be significant, and any

minor impacts at the Oppossumtown Gate will be minimized by adopting traffic study recommendations. Visual impacts will be avoided by grading and landscaping construction that may be visible from the Nallin Farm complex. Therefore, based on the analysis found in the EA, which is hereby incorporated into the Finding of No Significant Impact (FNSI), it is determined the implementation of the proposed action will not have significant individual or cumulative impacts on the quality of the natural or the human environment. Because no significant environmental impacts would result from implementation of the proposed action, an Environmental Impact Statement is not required and will not be prepared.

DATES: Public comments will be accepted on or before July 15, 1996.

ADDRESSES: Copies of the EA/FNSI may be obtained by writing to, and any inquires concerning the same should be addressed to, the Commander, U.S. Army Corps of Engineers, Baltimore District, ATTN: CENAB-PL-EM (Mr. Larry Eastman), P.O. Box 1715, Baltimore, Maryland 21203-1715, or by calling (410) 962-3208, or by sending a telefax to 410-962-2948. Copies of the EA will also be available at the Fort Detrick Post Library (Building 501) and the Fort Detrick U.S. Army Garrison Headquarters Public Affairs Office (Building 810). There will be a 15-day comment period on the EA/FNSI before the Army proceeds with the proposed action.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Eastman, 410-962-3208.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I,L&E).

[FR Doc. 96-16595 Filed 6-27-96; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

[CDFA No.: 84.165B]

Magnet Schools Assistance— Innovative Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1996

Purpose of Innovative Programs

To award grants to local educational agencies (LEAs) or consortia of LEAs to enable them to conduct innovative programs that will assist in the desegregation of schools served by the LEA or LEAs.

Eligible Applicants

An LEA or consortium of LEAs that (1) is implementing a plan undertaken

pursuant to a final order issued by a court of the United States, a court of any State, or any other State agency or official of competent jurisdiction that requires the desegregation of minority-group-segregated children or faculty in elementary and secondary schools of that agency; or (2) has voluntarily adopted and is implementing, or, if assistance is made available under the Innovative Programs section of the Magnet Schools Assistance statute, will voluntarily implement such a plan that has been approved by the Secretary of Education as adequate under Title VI of the Civil Rights Act of 1964.

Deadline for Transmittal of Applications: August 2, 1996.

Deadline for Intergovernmental Review: October 1, 1996.

Applications Available: July 2, 1996.

Available Funds: \$3 million.

Estimated Range of Awards: \$300,000–\$500,000.

Estimated Average Size of Awards: \$400,000.

Estimated Number of Awards: 6–9.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 85, and 86.

General Requirements

Innovative Programs are authorized under the Magnet Schools Assistance (MSA) statute. However, while these programs must carry out the purpose of the MSA statute, (i.e., assist in the desegregation of schools served by an eligible LEA or consortium of LEAs), they must involve strategies other than magnet schools, such as neighborhood or community model schools. In addition, they must be organized around a special emphasis, theme, or concept and involve extensive parent and community involvement.

In order to be eligible for an Innovative Programs grant, an LEA or consortium of LEAs must be implementing a required desegregation plan or have adopted and implemented, or will implement if assistance is made available under the MSA statute, a voluntary desegregation plan. Accordingly, an applicant that is eligible due to a required desegregation plan shall submit a copy of its plan including, if the applicant is submitting a desegregation plan ordered by a State agency or official, documentation showing that the plan was ordered based on a determination that State law was violated. An applicant that is

eligible due to a voluntary desegregation plan also shall submit a copy of its plan. In addition, the applicant shall submit evidence of final official action adopting and implementing the desegregation plan or agreeing to adopt and implement the desegregation plan upon award of assistance.

Innovative Programs are exempt from certain provisions of the MSA statute, including section 5106 (Applications and Requirements), section 5107 (Priority), and section 5108 (Use of Funds). Other MSA statute requirements apply to applications submitted under Innovative Programs. Under section 5109, grants may not be used for transportation or any activity that does not augment academic improvement. In addition, an LEA or consortium may not expend funds for planning activities associated with its Innovative Programs grant after the third year of Federal funding. Under section 5110, a grantee may expend for planning not more than 50 percent of the funds received for the first year of the project, 15 percent of the grant funds for the second year, and 10 percent of the grant funds for the third year.

Selection Criteria

The selection criteria are included in full in the application package for this competition. These selection criteria were established based on the regulations for evaluating discretionary grants found in 34 CFR 75.200 through 75.210 (as amended December 12, 1995).

For Applications or Information Contact: Carolyn N. Andrews, U.S. Department of Education, 600 Independence Avenue, S.W., Portals 4500, Washington, D.C. 20202-6140. Telephone (202) 260-2670. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases); or on the World Wide Web (at <http://www.ed.gov/money.html>). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 7211.

Dated: June 24, 1996.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 96-16508 Filed 6-27-96; 8:45 am]

BILLING CODE 4000-01-P

[CFDA No.: 84.282A]

**Public Charter Schools Program;
Notice Inviting Applications for New
Awards for Fiscal Year (FY) 1996**

Purpose of Program

A major purpose of the Public Charter Schools grant program is to increase understanding of the charter schools model by providing financial assistance for the design and initial implementation of charter schools.

Who May Apply

(a) State educational agencies (SEAs) in States with laws authorizing the establishment of charter schools. The Secretary awards grants to SEAs to enable them to conduct charter schools programs in their States. SEAs use their Public Charter Schools funds to award subgrants to "eligible applicants," as defined in this notice, for planning, program design, and initial implementation of a charter school.

(b) Under certain circumstances, an authorized public chartering agency participating in a partnership with a charter school developer. Such a partnership is eligible to receive funding directly from the U.S. Department of Education if—

(1) Its SEA elects not to participate in this competition; or

(2) Its SEA does not have an application approved under this program.

If an SEA's application is approved in this competition, applications received from non-SEA eligible applicants in that State will be returned to the applicants. In such a case, the eligible applicant should contact the SEA for information related to its subgrant competition.

Note: The following States currently have approved applications under this program: Arizona, California, Colorado, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Oregon, and Texas. In these States, only the SEA is eligible to receive an award under this competition. Eligible applicants in these States should contact their respective SEAs for information about participation in the State's charter school program.

Deadline for Transmittal of Applications: August 16, 1996.

Deadline for Intergovernmental Review: October 15, 1996.

Applications Available: July 2, 1996.

Available Funds: \$11,500,000.

Estimated Range of Awards: State educational agencies: \$250,000–\$1,000,000 per year; other eligible applicants: \$25,000–\$200,000 per year.

Estimated Average Size of Awards: State educational agencies: \$750,000 per year; other eligible applicants: \$50,000 per year.

Estimated Number of Awards: State educational agencies: 10–20; other eligible applicants: 3–20.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period

State educational agencies: Up to 36 months. Eligible applicants: Grants awarded by the Secretary directly to eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use—

(a) Not more than 18 months for planning and program design; and

(b) Not more than two years for the initial implementation of a charter school.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 77, 79, 80, 81, 82, 85, and 86.

Priority

Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive absolute or competitive preference over other applications:

Invitational Priority—Empowerment Zones and Enterprise Communities

Projects that address linkages between charter school initiatives and comprehensive educational improvement strategies undertaken in Empowerment Zones and Enterprise Communities designated by the Departments of Agriculture or Housing and Urban Development.

Supplementary Information

As part of wider education reform efforts to strengthen teaching and learning, charter schools can be an innovative approach to improving public education and expanding public school choice. While there is no one model, public charter schools are freed from most statutory and regulatory requirements in exchange for better

student academic achievement. They replace rules-based governance with performance-based accountability, thereby stimulating the creativity and commitment of teachers, parents, students, and citizens.

The following definitions, required contents of applications, selection criteria, diversity of projects requirements, waivers, and allowable activities are taken directly from the public charter schools statute, in title X, part C, of the Elementary and Secondary Education Act. They are being repeated in this application notice for the convenience of the applicant.

Definitions

The following definitions apply to this program:

(a) *Charter school* means a public school that—

(1) In accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(2) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(3) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(4) Provides a program of elementary or secondary education, or both;

(5) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(6) Does not charge tuition;

(7) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(8) Admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(9) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(10) Meets all applicable Federal, State, and local health and safety requirements; and

(11) Operates in accordance with State law.

(b) *Developer* means an individual or group of individuals (including a public

or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) *Eligible applicant* means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) *Authorized public chartering agency* means a State educational agency, local educational agency, or other public entity that has the authority under State law and is approved by the Secretary to authorize or approve a charter school.

Contents of a State Educational Agency Application

Each SEA application must—

(a) Describe the objectives of the SEA's charter school grant program and how those objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the SEA's charter school grant program;

(b) Contain assurances that the SEA will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing—

(1) A description of the educational program to be implemented by the proposed charter school, including—

(i) How the program will enable all students to meet challenging State student performance standards;

(ii) The grade levels or ages of children to be served; and

(iii) The curriculum and instructional practices to be used;

(2) A description of how the charter school will be managed;

(3) A description of—

(i) The objectives of the charter school; and

(ii) The methods by which the charter school will determine its progress toward achieving those objectives;

(4) A description of the administrative relationship between the charter school and the authorized public chartering agency;

(5) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(6) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in paragraph (b)(3)(i);

(7) A request and justification for waivers of any Federal, statutory, or regulatory provisions that the applicant

believes are necessary for the successful operation of the charter school and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

(8) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(9) A description of how students in the community will be

(i) Informed about the charter school; and

(ii) Given an equal opportunity to attend the charter school;

(10) An assurance that the eligible applicant will annually provide the Secretary and the SEA any information that may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in paragraph (b)(3)(i);

(11) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the charter school assisted under this program;

(12) Other information and assurances that the Secretary and the SEA may require; and

(13) As required by section 427 of the General Education Provisions Act (GEPA), a description of proposed steps to ensure equitable access to, and participation in, its federally assisted program. The statute, which allows applicants discretion in developing the required description, highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Applicants may use local circumstances to determine the extent to which these or other barriers prevent equitable participation by students, teachers, parents, or other community members. The description need not be lengthy, but it should include a clear and succinct description of how the applicant plans to address those barriers that are applicable to its circumstances;

(c) Contain additional assurances that the SEA will—

(1) Assist charter schools representing a variety of educational approaches, such as approaches to reduce school size;

(2) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program;

(3) Use a peer review process to review applications for subgrants; and

(4) Reserve not more than 5 percent of grant funds for administrative expenses associated with this program; and

(d) If an SEA elects to reserve part of the grant funds for the establishment of a revolving loan fund as allowed under this program, describe how the revolving loan fund would operate.

Contents of a Non-SEA Application

Each application from an eligible applicant that is not an SEA, whether submitted directly to the Secretary or to an SEA, must contain—

(a) The information and assurances described in paragraphs (b)(1) through (b)(13) under the section "Contents of a State Educational Agency Application," except that paragraphs (b)(10), (b)(11), and (b)(12) must be applied by striking "and the SEA" where this phrase appears; and

(b) Assurances that the SEA—

(1) Will grant, or will obtain, waivers of State statutory or regulatory requirements; and

(2) Will assist each eligible applicant in the State in receiving applicable waivers.

Selection Criteria for SEAs

The maximum possible score for all of the criteria in this section is 100 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an SEA the Secretary considers the following criteria:

(a) The contribution that the charter schools grant program will make in assisting educationally disadvantaged and other students to achieve State content standards, State student performance standards, and, in general, a State's education improvement plan (20 points).

(b) The degree of flexibility afforded by the SEA to charter schools under the State's charter schools law (20 points).

(c) The ambitiousness of the objectives for the State charter schools grant program (20 points).

(d) The quality of the strategy for assessing achievement of those objectives (20 points).

(e) The likelihood that the charter schools grant program will meet those objectives and improve educational results for students (20 points).

Selection Criteria for Non-SEA Eligible Applicants

The maximum possible score for all of the criteria in this section is 120 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an eligible

applicant other than an SEA the Secretary considers the following criteria:

- (a) The quality of the proposed curriculum and instructional practices (20 points).
- (b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency to the charter school (20 points).
- (c) The extent of community support for the application (20 points).
- (d) The ambitiousness of the objectives for the charter school (20 points).
- (e) The quality of the strategy for assessing achievement of those objectives (20 points).
- (f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

Diversity of Projects

The Secretary and SEAs will, to the extent possible, ensure that grants—

- (a) Are distributed throughout different areas of the Nation and each State, including urban and rural areas; and
- (b) Will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

Waivers

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any requirement relating to the elements of a charter school, as defined in the "Definitions" section of this notice, if—

- (a) The waiver is requested in an approved application under this program; and
- (b) The Secretary determines that granting such a waiver will promote the purposes of this program.

The Secretary may not waive the requirements of the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act. In addition, a charter school may not obtain waivers of requirements of the Americans with Disabilities Act of 1990. The Secretary strongly urges applicants to provide the public with notice of and an opportunity to comment on waiver requests.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds for only—

(a) Post-award planning and design of the educational program, which may include—

- (1) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
- (2) Professional development of teachers and other staff who will work in the charter school; and
- (b) Initial implementation of the charter school, which may include—
- (1) Informing the community about the school;
- (2) Acquiring necessary equipment and educational materials and supplies;
- (3) Acquiring or developing curriculum materials; and
- (4) Other initial operating costs that cannot be met from State or local sources.

For Applications or Information Contact: John Fiegel, U.S. Department of Education, 600 Independence Avenue, S.W., Room 4512, Portals Building, Washington, D.C. 20202-6140. Telephone (202) 260-2671. Internet address: John.Fiegel@ED.Gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases); or on the World Wide Web (at <http://www.ed.gov/money.html>). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 8061-8067.

Dated: June 19, 1996.

Gerald N. Tirozzi,

Assistant Secretary, Elementary and Secondary Education.

[FR Doc. 96-16509 Filed 6-27-96; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the

Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement (HEU Final EIS). In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the Department's NEPA Implementing Procedures (10 CFR Part 1021), the Department has prepared the HEU Final EIS to evaluate alternatives for the disposition of United States-origin, weapons-usable, highly enriched uranium (HEU) that has been, or may be, declared surplus to national defense needs by the President.

DATES: A Record of Decision in the HEU disposition program will be issued no earlier than July 29, 1996. The Department will consider, as appropriate, in the Record of Decision, any comments received by July 29, 1996 on the Cost Comparison for Highly Enriched Uranium Disposition Alternatives (available separately and summarized in the Supplementary Information, below) or the Floodplain Proposed Statement of Findings (included in section 4.13 of the HEU Final EIS and also summarized below).

ADDRESSES: Requests for copies of the HEU Final EIS or the Cost Comparison for Highly Enriched Uranium Disposition Alternatives, requests for information, and comments on the Proposed Floodplain Statement of Findings (section 4.13 of the HEU Final EIS) should be directed to: Office of Fissile Materials Disposition (MD-4), Attention: HEU EIS, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, phone (202) 586-4513, fax (202) 586-4078.

FOR FURTHER INFORMATION CONTACT: For information on the DOE National Environmental Policy Act process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586-4600 or leave a message at 1-800-472-2756.

Availability of the HEU Final EIS: Copies of the HEU Final EIS have been distributed to Federal, State, Indian tribal, and local officials, agencies, and interested organizations and individuals. The full text of the 72-page Summary of the HEU Final EIS is available, along with numerous other Fissile Materials Disposition program documents, on the program's Electronic Bulletin Board/World Wide Web Page (<http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/>). Copies of the HEU Final EIS and supporting technical reports are also available for public

review at the DOE reading room locations listed at the end of this Notice.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 1995, the Department published a Notice of Availability (NOA) in the Federal Register (60 FR 54967) of the Disposition of Surplus Highly Enriched Uranium Draft Environmental Impact Statement for public review and comment. The NOA invited the public to comment on the draft EIS during a 45-day comment period that was to end December 11, 1995. Subsequently, in response to public requests, the Department announced in the Federal Register (60 FR 58056, November 24, 1995) an extension of the comment period until January 12, 1996. Public workshops on the draft HEU EIS were held in Knoxville, Tennessee on November 14, 1995, and in Augusta, Georgia on November 16, 1995.

Alternatives Considered

The HEU Final EIS assesses environmental impacts of five reasonable alternatives identified for the disposition of up to 200 metric tons of surplus HEU. This includes HEU that has already been declared surplus (175 metric tons) as well as additional weapons-usable HEU that may be declared surplus in the future. The material is currently located at facilities throughout the Department's nuclear weapons complex, but the majority is in, or destined for, interim storage at the Department's Y-12 Plant in Oak Ridge, Tennessee. Except for the no action alternative, all reasonable alternatives involve blending HEU with depleted, natural, or low-enriched uranium (LEU) to make LEU, which is not weapons-usable, and the majority of which would have potential commercial value as non-defense, nuclear power plant fuel feed. The alternatives, except for the no action alternative, reflect blending different proportions of the HEU to LEU for commercial use versus blending it to LEU for disposal as waste. The alternatives also present different combinations of blending sites and blending processes.

Alternative 1 as presented in the HEU Final EIS is No Action (continued storage of surplus HEU). Alternative 2 is No Commercial Use, and represents blending all 200 metric tons of surplus HEU to waste (fuel/waste ratio of 0/100) using the four blending sites listed below. Alternative 3 is Limited Commercial Use, and includes transferring 50 metric tons of HEU (and 7000 metric tons of natural uranium) to

the United States Enrichment Corporation (USEC) for commercial use, but blending the remaining 150 metric tons of HEU to waste (fuel/waste ratio of 25/75). Alternative 3 assumes the 50 metric tons of commercial material would be blended at two commercial blending sites, and the waste material would be blended at four sites. Alternative 4 is Substantial Commercial Use, and represents blending 130 metric tons of HEU for commercial use and 70 metric tons for disposal as waste (fuel/waste ratio of 65/35). Alternative 5 is Maximum Commercial Use, and represents blending 170 metric tons of HEU for commercial use and 30 metric tons for disposal as waste (fuel/waste ratio of 85/15). Both Alternatives 4 and 5, like Alternative 3, include the proposal to transfer 50 metric tons of HEU and 7,000 metric tons of natural uranium to USEC for commercial use. Alternatives 4 and 5 each have four site variations: (a) two DOE sites only, (b) two commercial sites only, (c) all four sites, and (d) each site alone. The DOE and commercial sites that can perform HEU conversion and blending are:

DOE's Y-12 Plant at the Oak Ridge Reservation in Oak Ridge, Tennessee; DOE's Savannah River Site in Aiken, South Carolina; the Babcock & Wilcox Naval Nuclear Fuel Division in Lynchburg, Virginia; and the Nuclear Fuel Services, Inc. Plant in Erwin, Tennessee. The EIS also assesses the environmental impacts of necessary transportation of materials. For a more complete discussion of the alternatives and their impacts, the reader is referred to the HEU Final EIS or its Summary.

The alternatives as described are not intended to represent exclusive options among which the Department must choose, but rather are analyzed to represent reasonable points in the matrix of possible choices. The HEU Final EIS explains how impacts would change if the exact fuel/waste ratio or division among sites or processes were different.

Preferred Alternative

The HEU Final EIS, as did the Draft EIS, identifies DOE's preferred alternative as Alternative 5 (Maximum Commercial Use) and site variation c (all four sites). Under this alternative, the commercial use of surplus HEU would be maximized and the blending would most likely be done at some combination of commercial and DOE sites over a period of 15 to 20 years. The Department prefers this alternative because commercial use of LEU derived from surplus HEU not only would serve the objective of rendering these materials non-weapons-usable, but it

would also allow for peaceful, beneficial reuse of the material, recover investment for the Federal Treasury, and reduce Government waste disposal costs that would be incurred if all (or a greater portion of) the material were blended to waste.

Major Comments Received

During the 78-day public comment period on the HEU Draft EIS, DOE received comments on the document by mail, fax, telephone recording, electronic mail, and orally at the two public workshops. All of the comments are presented in Volume II of the HEU Final EIS, the Comment Analysis and Response Document. The major themes that emerged from public comments on the HEU Draft EIS were as follows:

- There was broad support for the fundamental objective of transforming surplus HEU to non-weapons-usable form by blending it down to LEU (for either fuel or waste).
- There was concern from elements of the uranium fuel cycle industry that the entry into the market of LEU fuel derived from U.S. and Russian HEU could depress uranium prices and possibly lead to the closure of U.S. uranium mines, conversion plants, or enrichment plants.
- There was opposition to commercial use of LEU fuel derived from surplus HEU because some commentors believed that such use increases proliferation risk by creating commercial spent nuclear fuel, which includes plutonium. There was also support for commercial use of the material.

The HEU Final EIS has been modified in several respects (relative to the Draft EIS) in response to comments received, as well as other changes in circumstances since publication of the Draft EIS:

- The discussion of potential impacts on the uranium industry has been augmented to reflect the recent enactment of the USEC Privatization Act (Public Law 104-134), and to better reflect the cumulative impacts in light of the U.S.-Russian Agreement to purchase Russian HEU (blended down to LEU).
- The discussion of the rates of disposition actions that could result in commercial sales of LEU has been modified to reflect a more pragmatic assessment of the time required for DOE to make surplus HEU available for disposition. The document was also modified to address the provision of the USEC Privatization Act (signed into law on April 26, 1996) that requires the Department to determine that its sales of uranium would not have adverse

material impacts on the domestic uranium mining, conversion, or enrichment industries.

- Numerous other technical and editorial changes have been made to the document.

With respect to the comments opposing commercial use of LEU derived from surplus HEU, the Department does not agree that the spent nuclear fuel that would result from such use poses significant proliferation risks, because spent fuel is highly radioactive and difficult to handle, and is thus in a form which is proliferation resistant. Reactors that might use LEU fuel derived from surplus HEU would simply use fuel obtained from virgin uranium if the LEU derived from surplus HEU did not exist. There would be no increase in spent fuel and no increase in plutonium created in that spent fuel as a consequence of this program. Furthermore, commercial use of the material would result in the generation of less waste material, and generally would involve lower environmental impacts than would the blend-to-waste alternative.

Floodplain Proposed Statement of Findings

Pursuant to the Department's regulations (10 CFR Part 1022) implementing Executive Order 11988, Floodplain Management, DOE must assess the potential impacts of its proposed actions in floodplains. Floodplain impacts were discussed in the water resources sections of the HEU Draft EIS. This information has been compiled into a separate Floodplain Assessment and Proposed Statement of Findings in the Final EIS (in section 4.13).

Because HEU blending activities associated with the proposed action and its alternatives could be accommodated in existing facilities without structural modifications, no positive or negative impacts on floodplains would be expected at any of the candidate sites. Similarly, since blending facilities are not located in the vicinity of wetlands, no impacts to wetlands are anticipated. The Floodplain Assessment indicates that blending operations at the Y-12 Plant and B&W would be accommodated in facilities located outside 100- and 500-year floodplains. At SRS, the F- and H-Canyons that could be used for blending also fall outside 100-year floodplains. The 500-year floodplain limits at SRS have not been delineated. The NFS site is partially located in 100- and 500-year floodplains (as determined by a current FEMA Flood Insurance Rate Map).

However, as described in the Final EIS, mitigation measures have been, and will continue to be, implemented to reduce potential flooding of the site and the likelihood of adverse impacts.

The Department will consider, in its Record of Decision, public comments received by July 15, 1996 on the Floodplain Assessment and Proposed Statement of Findings.

Cost Comparison for Highly Enriched Uranium Disposition Alternatives

To assist the Department in reaching a Record of Decision on surplus HEU disposition, a study, Cost Comparison for Highly Enriched Uranium Disposition Alternatives, was prepared on behalf of the Department by the Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, which is managed by Lockheed Martin Energy Systems, Inc. The report addresses the costs of down-blending and commercial use of various quantities of LEU derived from surplus HEU versus down-blending surplus HEU to LEU for disposal as waste, as defined by the alternatives in the HEU Final EIS. The report estimates that blending HEU to LEU for commercial use would save up to \$4 billion in direct costs when compared to the alternative of blending to LEU for disposal as waste. The Cost Comparison, which was completed in April 1996, was disseminated for review at the beginning of May 1996 to all commentors who expressed an interest in cost issues as well as to all public workshop attendees. The full text of the Cost Comparison has been made available on the Fissile Materials Disposition Electronic Bulletin Board/World Wide Web Page. (<http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/>). Copies can also be obtained by calling (202) 586-4513. Comments received on the Cost Comparison by July 15, 1996 will be considered as appropriate in the Record of Decision.

DOE Public Reading Rooms

Copies of the final HEU EIS as well as technical data reports and other supporting documents are available for public review at the following locations:

Department of Energy Headquarters

Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, Attn: Carolyn Lawson, 202-586-6020

Albuquerque Operations Office

National Atomic Museum, 20358 Wyoming Blvd., SE, Kirtland AFB, NM 87117, Attn: Diane Zepeda, 505-845-4378

Nevada Operations Office

Nevada Operations Office, U.S. Department of Energy, Public Reading Room, 2753 South Highland Dr., P.O. Box 98518, Las Vegas, NV 89193-8518, Attn: Charlotte Cox, 702-295-1459

Oak Ridge Operations Office

U.S. Department of Energy, Public Reading Room, 200 Administration Road, P.O. Box 2001, Oak Ridge, TN 37831-8501, Attn: Jane Greenwalt, 615-576-1216

Richland Operations Office

Washington State University, Tri-Cities Branch Campus, 300 Sprout Road, Room 130 West, Richland, WA 99352, Attn: Terri Traub, 509-376-8583

Rocky Flats Office

Front Range Community College Library, 3645 West 112th Avenue, Westminster, CO 80030, Attn: Dennis Connor, 303-469-4435

Savannah River Operations Office

Gregg-Graniteville Library, University of South Carolina-Aiken, 171 University Parkway, Aiken, SC 29801, Attn: Paul Lewis, 803-641-3320, DOE Contact: James M. Gaver, 803-725-2889

Los Alamos National Laboratory

U.S. Department of Energy, c/o Los Alamos Community Reading Room, 1450 Central, Suite 101, Los Alamos, NM 87544, Attn: Tom Ribe, 505-665-2127

Chicago Operations Office

Office of Planning, Communications & EEO, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, Attn: Gary L. Pitchford, 708-252-2013

Amarillo Area Office

U.S. Department of Energy, Amarillo College, Lynn Library/Learning Center, P.O. Box 447, Amarillo, TX 79178, PH: 806-371-5400, FX: 806-371-5470

U.S. DOE Reading Room, Carson County Library, P.O. Box 339, Panhandle, TX 79068, PH: 806-537-3742, FX: 806-537-3780, DOE Contact: Tom Walton, PH: 806-477-3120, FX: 806-477-3185, Contractor Contact: Kerry Cambell, PH: 806-477-4381, FX: 806-477-5743

Sandia National Laboratory/CA

Livermore Public Library, 1000 S. Livermore Avenue, Livermore, CA 94550, Attn: Julie Casamajor, PH: 510-373-5500, FX: 510-373-5503

Issued in Washington, DC, June 24, 1996.
 Gregory P. Rudy,
*Acting Director, Office of Fissile Materials
 Disposition.*
 [FR Doc. 96-16565 Filed 6-27-96; 8:45 am]
 BILLING CODE 6450-01-P

Environmental Management Site-Specific Advisory Board, Department of Energy/Los Alamos National Laboratory

AGENCY: Department of Energy.
ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Los Alamos National Laboratory
DATES: Tuesday, July 9, 1996: 6:30 pm-9:30 pm; 7:00 pm to 7:30 pm (public comment session).

ADDRESSES: Northern New Mexico Community College, 1002 N. Onate, Espanola, New Mexico 87532, 505-753-8970.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Roybal, Los Alamos National Laboratory Citizens' Advisory Board Support, Northern New Mexico Community College, 1002 Onate Street, Espanola, NM 87352, (800) 753-8970, or (505) 753-8970, or (505) 262-1800.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Tuesday, July 9, 1996

6:30 PM Call to Order and Welcome
 7:00 PM Public Comment
 7:30 PM Old Business
 8:30 PM Sub-Committee Reports
 9:30 PM Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ms. Lisa Roybal, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15

days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Herman Le-Doux, Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87185-5400.

Issued at Washington, DC on June 25, 1996.
 Rachel M. Samuel,
*Acting Deputy Advisory Committee
 Management Officer.*
 [FR Doc. 96-16562 Filed 6-27-96; 8:45 am]
 BILLING CODE 6450-01-P

Environmental Management Site-Specific Advisory Board, Savannah River

AGENCY: Department of Energy.
ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River.

DATES AND TIMES: Monday, July 22, 1996: 6:00 p.m.-7:00 p.m. (public comment session). Tuesday, July 23, 1996: 8:30 a.m.-4:00 p.m.

ADDRESSES: Stevenson-McClelland Building, 125 Pendleton Street, SW., Aiken, South Carolina.

FOR FURTHER INFORMATION CONTACT: Tom Heenan, Manager, Environmental Restoration and Solid Waste, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802 (803) 725-8074.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, July 22, 1996

6:00 p.m. Public Comment Session (5-minute rule)
 7:00 p.m. Adjourn

Subcommittee meetings will follow the public comment session.

Tuesday, July 23, 1996

8:30 a.m. Approval of Minutes, Agency Updates (~ 15 minutes)

Public Comment Session (5-minute rule)(~ 30 minutes)

Savannah River Site Ecosystem (~ 45 minutes)

Environmental Remediation & Waste Management Subcommittee Report (~ 1 hour and 15 minutes)

12:00 p.m. Lunch

1:00 p.m. U.S. Geological Survey—Groundwater Study (~ 30 minutes)

Nuclear Materials Management Subcommittee (~ 1 hour)

DOE Board-related Grants Discussion (~ 15 minutes)

Risk Management & Future Use Subcommittee Report (~ 15 minutes)

Budget Subcommittee Report (~ 15 minutes)

Outreach Subcommittee (~ 15 minutes)
 4:00 p.m. Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, July 22, 1996.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling him at (803) 725-8074.

Issued at Washington, DC on June 25, 1996.
 Rachel Murphy Samuel,
*Acting Deputy Advisory Committee
 Management Officer.*
 [FR Doc. 96-16563 Filed 6-27-96; 8:45 am]
 BILLING CODE 6450-01-P

Alaska Power Administration; Notice of Cancellation, Review, and Comment

AGENCY: Alaska Power Administration, Department of Energy.

SUMMARY: Alaska Power Administration (APA) is proposing to adjust the rates for the Eklutna Project. Rates of 18.7 mills per kilowatt-hour for firm energy, 10 mills per kilowatt-hour for non-firm energy and .3 mills per kilowatt-hour for wheeling expire September 30, 1999. Due to a decrease in combined projected overhead and O&M costs, APA proposes to lower the rate for firm and non-firm energy to 8.8 mills per kilowatt-hour beginning September 1, 1996, for a period of up to five years. The rate for wheeling would remain the same. APA will finalize the proposal giving full consideration to comments received. The final proposal may differ from the present. The proposed rates will be submitted to the Deputy Secretary of Energy for interim approval and to the Federal Energy Regulatory Commission for review and final approval.

DATES: Written comments will be considered through August 15, 1996.

ADDRESSES: Written comments should be submitted to Mr. Nicki J. French, Alaska Power Administration, 2770 Sherwood Lane, Suite 2B, Juneau, Alaska 99801.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Davenport, Public Utilities Specialist, Alaska Power Administration, 2770 Sherwood Lane, Suite 2B, Juneau, AK 99801, (907) 586-7405.

SUPPLEMENTARY INFORMATION: The proposed rates apply for power sold from the Eklutna Hydroelectric Project to three electric utilities serving the Anchorage and Matanuska Valley areas of Alaska. Details of the proposed rates, including supporting studies, will be available for inspection at Alaska Power Administration, 2770 Sherwood Lane, Suite 2B, Juneau, Alaska; and the Eklutna Project Office, Mile 4.0, Old Glenn Highway, Palmer, Alaska.

A public information and comment forum was to be held June 24, 1996, at 6:00 PM. However, due to lack of interest, the forum was canceled, as allowed in 10 CFR 903.15(c) and 10 CFR 903.16(c).

Authorities for the proposed rate action are the Eklutna Project Act of July 31, 1950 (64 Stat. 382, as amended) and the Department of Energy Organization Act (Pub. L. 95-91). Alaska Power Administration is developing these rates in accordance with DOE financial reporting policies, procedures and methodology (DOE Policy RA 6120.2 [September 20, 1979]), and the

procedures for public participation in rate adjustments found in 10 CFR Part 903 (1987) as amended. The present rates went into effect in October, 1994. APA has repaid over 82% of the project investment. The proposed rate results in an 53% rate decrease. APA has notified its customers that a new rate would be developed based on decreased overhead costs and elimination of Eklutna O&M costs. APA will continue its rate evaluation based on projected staffing and include the results in the final rate proposal.

Alaska Power Administration Asset Sale and Termination Act was signed by the President on November 28, 1995. As part of the transition to new ownership, APA is entering an O&M agreement with the purchasing utilities. With the new O&M agreement between APA and the purchasing utilities, APA expects the utilities to incur all O&M and replacement costs throughout the term of the agreement. The reduction in costs to APA have been included in the repayment study supporting the proposed rates.

APA will continue formulating and executing transition plans based on the existing purchase agreements and signed legislation for the sale of the Eklutna Project to the Anchorage utilities. This proposed rate action continues present rate policies under existing law.

Environmental Impact

The proposed rate action will have no significant environmental impact within the meaning of the National Environmental Policy Act of 1969. The proposed action meets the requirements of a categorical exclusion as defined in 40 CFR 1508.4 and is listed as a categorical exclusion for DOE in 10 CFR 1021, Appendix B4.3. An Environmental Assessment and an Environmental Impact Statement is not required.

Issued at Washington, DC June 20, 1996.
Rodney Adelman,
Administrator.

[FR Doc. 96-16564 Filed 6-27-96; 8:45 am]
BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. ER96-1818-000]

Alliance Power Marketing, Inc.; Notice of Issuance of Order

June 24, 1996.

Alliance Power Marketing, Inc. (Alliance Power) submitted for filing a rate schedule under which Alliance

Power will engage in wholesale electric power and energy transactions as a marketer. Alliance Power also requested waiver of various Commission regulations. In particular, Alliance Power requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Alliance Power.

On June 17, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Alliance Power should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Alliance Power is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Alliance Power's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 17, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96-16536 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-201-001]

CNG Transmission Corporation; Notice of Section 4 Filing

June 24, 1996.

Take notice that on June 19, 1996, CNG Transmission Corporation (CNG),

tendered for filing, pursuant to Section 4 of the Natural Gas Act, Substitute Second Revised Sheet 354 of Second Revised Volume 1 of CNG Transmission's FERC Gas Tariff.

CNGT further states that the filing is made to comply with the Commission's required effective date of May 1, 1996, for Sheet 354.

Any person desiring to protest this filing should file protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules and Regulations. All such motions or protests must be filed no later as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 96-16538 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-1631-000]

Family Fiber Connection; Notice of Issuance of Order

June 24, 1996.

Family Fiber Connection (FFC) submitted for filing a rate schedule under which FFC will engage in wholesale electric power and energy transactions as a marketer. FFC also requested waiver of various Commission regulations. In particular, FFC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by FFC.

On June 12, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by FFC should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, FFC is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of FFC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 12, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96-16535 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-688-000]

Northwest Power Marketing Company, L.L.C.; Notice of Issuance of Order

June 24, 1996.

Northwest Power Marketing Company L.L.C. (Northwest) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, Northwest requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Northwest. On June 13, 1996 the Commission issued an Order Conditionally Granting Request for Market-Based Rates and Conditionally Granting Waivers and Authorizations (Order), in the above-docketed proceeding.

The Commission's June 13, 1996 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (G):

(D) Within 30 days the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Northwest should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, Northwest is hereby authorized to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Northwest, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Northwest's issuances of securities or assumptions of liabilities * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 15, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96-16533 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-51-003]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

June 24, 1996.

Take notice that on June 19, 1996, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, proposed to be effective July 20, 1996:

First Revised Sheet No. 102

Panhandle states that the purpose of this filing is to comply with Ordering Paragraph (C) of the Commission's June 4, 1996 Order in Docket Nos. RP96-51-000 and RP96-51-002 to clarify that GDS service deliveries within the MDCQ of firm transportation contracts managed thereunder have priority over Rate Schedule GPS service.

Panhandle states that a copies of this filing are being served on all affected customers, applicable state regulatory agencies and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section

385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 96-16537 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-1316-000]

**TransAlta Enterprises Corporation;
Notice of Issuance of Order**

June 24, 1996.

TransAlta Enterprises Corporation (TransAlta) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, TransAlta requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by TransAlta. On June 12, 1996, the Commission issued an Order Granting Late Intervention, Accepting Market-Based Rates, and Granting Waivers and Authorizations (Order), in the above-docketed proceeding.

The Commission's June 12, 1996 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (G):

(D) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by TransAlta should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, TransAlta is hereby authorized to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of TransAlta, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of TransAlta's issuances of securities or assumptions of liabilities. * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 12, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 96-16534 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER95-1615-003, et al.]

**Entergy Power Marketing Corp., et al.;
Electric Rate and Corporate Regulation
Filings**

June 21, 1996.

Take notice that the following filings have been made with the Commission:

1. Entergy Power Marketing Corp.

[Docket No. ER95-1615-003]

Take notice that on June 13, 1996, Entergy Power Marketing Corp. tendered for filing its compliance filing in the above-referenced docket.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Indeck Pepperell Power Associates Inc.

[Docket No. ER96-1635-000]

Take notice that on June 14, 1996, Indeck Pepperell Power Associates, Inc. ("Indeck Pepperell") submitted for filing Amendment No. 1 ("Amendment") to the Electric Power Service Agreement between Indeck Pepperell and Massachusetts Municipal Wholesale Electric Company ("MMWEC").

Indeck Pepperell states that its filing is in accordance with Part 35 of the Commission's regulations. Indeck Pepperell requests a waiver of the Commission's notice requirements so that the Amendment may become effective on June 15, 1996.

Copies of the filing were served upon MMWEC.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Gas and Electric Company

[Docket No. ER96-1768-000]

Take notice that on January 18, 1996, Pacific Gas and Electric Company (PG&E) tendered for filing an amendment to its filing of Ruling No. 14 made May 9, 1996, both for itself and on behalf of Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E). The Ruling tendered for filing was agreed upon by PG&E, SCE and SDG&E in the course of administering the California Power Pool Agreement, dated July 20, 1964 (Agreement). The Agreement has been filed with the Commission as PG&E Rate Schedule FPC No. 27, SCE Rate Schedule FPC No. 24, and SDG&E Rate Schedule FPC No. 13. The purpose of this Ruling is to provide for new spinning reserve requirements. The purpose of the amended filing is to clarify certain aspects of the Ruling as requested by Commission Staff.

Copies of this filing have been served upon the parties on the service list including the California Public Utilities Commission.

SCE and SDG&E have both provided Certificates of Concurrence to this filing.

Comment date: July 5, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. The Dayton Power & Light Company

[Docket No. ER96-1917-000]

Take notice that on June 17, 1996, The Dayton Power and Light Company (Dayton) tendered for filing an amendment in the above-referenced docket. Dayton requests the agreement be effective as originally requested on May 25, 1996 and requests waiver of the Commission's notice requirements.

Comment date: July 5, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. PECO Energy Company

[Docket No. ER96-2124-000]

Take notice that on June 12, 1996, PECO Energy Company (PECO), filed a Service Agreement dated June 4, 1996, with DuPont Power Marketing, Inc. (DUPONT) under PECO's FERC Electric Tariff, First Revised Volume No. 4 (Tariff). The Service Agreement adds DUPONT as a customer under the Tariff.

PECO requests an effective date of June 4, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to DUPONT and to the Pennsylvania Public Utility Commission.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Service Company
[Docket No. ER96-2125-000]

Take notice that on June 12, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with NorAm Energy Services, Inc. under the NU System Companies's System Power Sales/Exchange Tariff No. 6.

NorAm Energy Services, Inc. also filed a Certificate of Concurrence as it relates to exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to NorAm Energy Services, Inc.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commission's receipt of the filing.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Utilities Service Company
[Docket No. ER96-2126-000]

Take notice that on June 12, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with TransCanada Power Corp. (TransCanada) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO has also filed a Certificate of Concurrence by TransCanada for exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to TransCanada.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commission's receipt of the filing.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Jersey Central Power & Light Company Metropolitan Edison Company Pennsylvania Electric Company

[Docket No. ER96-2127-000]

Take notice that on June 12, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and KN Marketing, Inc. (KNM), dated June 5, 1996. This Service Agreement specifies that KNM has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the

Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.*, Docket No. ER95-276-000 and allows GPU and KNM to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of June 5, 1996 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power & Light Company

[Docket No. ER96-2128-000]

Take notice that on June 12, 1996, Florida Power & Light Company (FPL), filed the Contract for Purchases and Sales of Power and Energy between FPL and South Carolina Public Service. FPL requests an effective date of June 17, 1996.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power & Light Company

[Docket No. ER96-2129-000]

Take notice that on June 12, 1996, Florida Power & Light Company (FPL) filed the Contract for Purchases and Sales of Power and Energy between FPL and MidCon Power Services Corp. FPL requests an effective date of June 17, 1996.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Duke Power Company

[Docket No. ER96-2130-000]

Take notice that on June 12, 1996, Duke Power Company (Duke) tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Louis Dreyfus Electric Power, Inc. (LDEP). Duke states that the TSA sets out the transmission arrangements under which Duke will provide LDEP non-firm transmission service under its Transmission Service Tariff.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Duke Power Company

[Docket No. ER96-2131-000]

Take notice that on June 12, 1996, Duke Power Company (Duke) tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Eastex Power Marketing, Inc. (EPM). Duke states that the TSA sets out the transmission arrangements under which Duke will provide EPM non-firm transmission service under its Transmission Service Tariff.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Duke Power Company

[Docket No. ER96-2132-000]

Take notice that on June 12, 1996, Duke Power Company (Duke) tendered for filing Schedule MR Transaction Sheets supplementing the Service Agreement for Market Rate (Schedule MR) Sales between Duke and Commonwealth Edison Company under Duke's FERC Electric Tariff, Original Volume No. 3.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Southern California Edison Company

[Docket No. ER96-2133-000]

Take notice that on June 12, 1996, Southern California Edison Company (Edison) tendered for filing the following Firm Transmission Agreement (FTS Agreement) and associated Amendment No. 1 (Amendment No. 1) to the Supplemental Agreement to the Integrated Operations Agreement (IOA) with the City of Vernon (Vernon), FERC Rate Schedule No. 154, and a Notice of Cancellation of FERC Rate Schedule No. 154.7:

Edison-Vernon Victorville-Lugo Firm Transmission Service Agreement Between Southern California Edison Company And City of Vernon Amendment No. 1 to the Supplemental Agreement to the Integration Operations Agreement Between the City of Vernon And Southern California Edison Company Dated August 25, 1982 for the Integration of Vernon's Entitlement in the Palo Verde Nuclear Generating Station Notice of Cancellation of the Edison-Vernon Palo Verde Nuclear Generating Station Firm Transmission Service Agreement

The FTS Agreement sets forth the terms and conditions by which Edison,

among other things, will provide firm bi-directional transmission service between the midpoint of the Victorville-Lugo 500 kV transmission line and Vernon's City Gate. Amendment No. 1 revises the Supplemental Agreement for integration of Vernon's entitlement in the Palo Verde Nuclear Generating Station (Palo Verde Resource) to reflect Vernon's new transmission arrangements with Edison and the third parties for the Palo Verde Resource. The Notice of Cancellation provides for the cancellation of FERC Rate Schedule No. 154.7, including all supplements thereto, concurrent with the effective date of the FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Jersey Central Power & Light Company Metropolitan Edison Company Pennsylvania Electric Company

[Docket No. ER96-2134-000]

Take notice that on June 13, 1996, GPU Service Corporation (GPU) on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania electric Company (jointly referred to as the "GPU Companies), filed a Service Agreement between GPU and KN Marketing Inc. (KNM) dated June 12, 1996. This Service Agreement specifies that KNM has agreed to the rates, terms and conditions of the GPU Companies' Energy Transmission Service Tariff accepted by the Commission on September 28, 1995, in docket No. ER95-791-000 and designated as FERC Electric Tariff, Original Volume No. 3.

GPU requests a waiver of the Commission's notice requirements for good cause shown an effective date of June 12, 1996, for the Service Agreement. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania and on KNM.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Jersey Central Power & Light Company Metropolitan Edison Company Pennsylvania Electric Company

[Docket No. ER96-2135-000]

Take notice that on June 13, 1996, GPU Service Corporation (GPU) on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania electric

Company (jointly referred to as the "GPU Companies), filed a Service Agreement between GPU and Coral Power L.L.C. (Coral) dated June 12, 1996. This Service Agreement specifies that Coral has agreed to the rates, terms and conditions of the GPU Companies' Energy Transmission Service Tariff accepted by the Commission on September 28, 1995, in docket No. ER95-791-000 and designated as FERC Electric Tariff, Original Volume No. 3.

GPU requests a waiver of the Commission's notice requirements for good cause shown an effective date of June 12, 1996, for the Service Agreement. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania and on Coral.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Portland General Electric Company
[Docket No. ER96-2136-000]

Take notice that Portland General Electric Company (PGE) on June 13, 1996, tendered for filing proposed changes in Portland General Electric Company Rate Schedule FERC No. 73.

PGE is proposing changes in its Long Term Power Sales Agreement (Agreement) with the Western Area Power Administration (Western). The changes proposed will enable PGE to sell and Western to purchase up to 60 percent of firm deliverable energy at a rate less than the current energy rate specified in the original Agreement.

The original Long-Term Power Sale Agreement (PGE Rate Schedule FERC No. 73) obligates Western to purchase at least 40 percent of Deliverable Energy during each month, but Western otherwise need not pay for energy not delivered. Western has the option to purchase the remaining 60 percent of Deliverable Energy. Amendment No. 2 to Rate Schedule FERC No. 73 decreases the energy rate for the remaining 60 percent Deliverable Energy available to Western from that approved by the Commission in PGE's original filing. The requested decrease in the energy rate is provided to encourage Western to purchase the remaining 60 percent of Deliverable Energy available.

PGE requests the Commission grant waiver of the notice requirements to allow Amendment No. 2 to the Long-Term Power Sale Agreement between PGE and the Western Area Power Administration to become effective August 1, 1996.

Copies of this filing were served upon Western Area Power Administration and the Oregon Public Utility Commission.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Virginia Electric and Power Company

[Docket No. ER96-2137-000]

Take notice that on June 13, 1996, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement between Delmarva Power & Light company and Virginia Power, dated June 1, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Delmarva Power & Light Company under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, the North Carolina Utilities Commission, the Delaware Public Service Commission, and the Maryland Public Service Commission.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. New England Power Company

[Docket No. ER96-2138-000]

Take notice that on June 13, 1996, New England Power Company (NEP) filed a Service Agreement with Strategic Energy LTD under NEP's FERC Electric Tariff, Original Volume No. 5.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. New England Power Company

[Docket No. ER96-2139-000]

Take notice that on June 13, 1996, New England Power Company (NEP) filed a Service Agreement and Certificate of Concurrence with Federal Energy Sales, Inc. under NEP's FERC Electric Tariffs, Original Volume Nos. 5 and 6.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Northern States Power Company (Minnesota Company)

[Docket No. ER96-2140-000]

Take notice that on June 13, 1996, Northern States Power Company tendered for filing the Transmission Service Agreement between NSP and Federal Energy Sales, Inc.

NSP requests that the Commission accept the agreement effective May 21, 1996, and requests waiver of the

Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Preferred Energy Services, Inc.

[Docket No. ER96-2141-0000]

Take notice that on June 13, 1996, Preferred Energy Services, Inc. (PES) petitioned the Commission for acceptance of PES Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and the waiver of certain Commission regulations. PES is not affiliated with any entity which owns, operates, or controls electric power generating or transmission facilities, or that has a franchised electric power service area.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Federal Energy Sales, Inc.

[Docket No. ER96-2142-000]

Take notice that on June 13, 1996, Federal Energy Sales, Inc., tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) indicating that FES has satisfied the requirements for WSPP membership. Accordingly, FES requests that the Commission permit its participation in the WSPP.

FES requests waiver of the 60-day prior notice requirement to permit its membership in the WSPP to become effective as of June 3, 1996.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Monterey Consulting Associates

[Docket No. ER96-2143-000]

Take notice that on June 13, 1996, Monterey Consulting Associates tendered for filing a petition for an order approving rate schedule and granting blanket approval and waivers.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Inland Pacific Energy Services Corporation

[Docket No. ER96-2144-000]

Take notice that on June 14, 1996, Inland Pacific Energy Services Corporation (Inland), tendered for filing Electric Service Rate Schedule No. 1, together with a petition for waivers and blanket approvals of various Commission regulations necessary for such Rate Schedule to become effective 60 days after the date of the filing.

Inland states that it intends to engage in electric power and energy transactions as a marketer, and that it proposes to make sales under rates, terms and conditions to be mutually agreed to with the purchasing party. Inland further states that it is a wholly-owned subsidiary of Inland Pacific Enterprises Ltd., which is also a wholly-owned subsidiary of BC Gas Inc., and that Inland Pacific Enterprises Ltd. owns a two-thirds interest in NW Energy Corporation which owns and operates a wood waste power generation plant at Williams Lake, British Columbia, Canada. Inland states that it will market, among other things, the surplus capacity and energy from the Williams Lake plant to purchasers in the United States. Inland also states that neither it nor any of its affiliates have market power in generation, own electric transmission facilities or franchised retail service areas.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. New England Power Company

[Docket No. ER96-2145-000]

Take notice that on June 14, 1996, New England Power Company submitted for filing a letter agreement for transmission service to Federal Energy Services, Inc.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER96-2146-000]

Take notice that on June 14, 1996, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, an Agreement for Power Transactions with Old Dominion Electric Cooperative. This initial rate schedule will enable the parties to purchase and sell capacity and energy in accordance with the terms of the Agreement.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER96-2147-000]

Take notice that on June 14, 1996, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, an Agreement for Power Transactions with Stand Energy. This initial rate schedule will enable the parties to purchase and sell capacity and energy in accordance with the terms of the Agreement.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

29. Ohio Edison Company Pennsylvania Power Company)

[Docket No. ER96-2148-000]

Take notice that on June 14, 1996, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, an Agreement for Power Transactions with Coastal Electric Services Company. This initial rate schedule will enable the parties to purchase and sell capacity and energy in accordance with the terms of the Agreement.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

30. Edison Source

[Docket No. ER96-2150-000]

Take notice that on June 14, 1996, Edison Source tendered for filing an application for waivers and blanket approvals under regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1. Edison Source is a wholly-owned subsidiary of Edison International and an affiliate of Southern California Edison Company.

Edison Source intends to engage in electric capacity and energy transactions as a marketer and broker. In these transactions Edison Source intends to charge market rates as mutually agreed to by Edison Source and the purchaser. All other terms of the transaction would also be determined by negotiation between the parties. All sales and purchases will be arms-length transactions.

Comment date: July 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 96-16567 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP96-517-000]

Algonquin LNG, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Algonquin LNG Modifications Project and Request for Comments on Environmental Issues

June 24, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Algonquin LNG Modifications Project. This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement (EIS) is necessary and whether to approve the project.¹

Summary of the Proposed Project

Algonquin LNG, Inc. (ALNG) seeks Commission authorization to expand its existing liquefied natural gas (LNG) facility in Providence, Rhode Island and construction of pipeline facilities in East Providence, Rhode Island. The purpose of the proposed facilities are to provide natural gas liquefaction, LNG storage, LNG trucking, and LNG vaporization services on a firm and interruptible, open access, blanket basis.

Existing Facilities

ALNG owns and operates a 600,000-barrel LNG storage facility on the west side of the Providence River. The facility has been in operation for over 20 years, and is exclusively supplied with LNG delivered by truck. Upon demand, LNG is either redelivered in liquid form into trucks supplied by its customers, or vaporized into Providence Gas Company's (PGC) distribution system. ALNG states that the usefulness of the facility is limited by its lack of liquefaction capabilities and direct access to the interstate pipeline grid.

PGC currently receives gas from Algonquin Gas Transmission Company's (AGT) East Providence Meter Station (among other points) which is located on the east side of the

Providence River about 1.7 miles southeast of the site. After delivery at the meter station, PGC transports the gas in a northerly direction in a 12-inch-diameter pipeline to a manifold of three 10-inch-diameter pipelines that cross the Providence River. These three pipelines converge into a 12-inch-diameter pipeline on the west side of the Providence River that ultimately feeds PGC's Allens Avenue Plant located adjacent to the ALNG site.

Proposed Facilities

ALNG's proposes to construct the following facilities on or near its existing LNG storage facility:

- A liquefaction facility with a capacity of 40,000 million British thermal units per day (MMbtu/d);
- LNG pumps and vaporizers with a capacity of 375,000 MMBtu/d;
- Boil-off gas compressors;
- 1.05 miles of 20-inch-diameter pipeline;
- 0.25 mile of 10.75-inch-diameter pipeline;
- Metering facilities;
- Inspect the existing 600,000-barrel LNG storage tank, and install new instrumentation; and
- Miscellaneous construction including water/glycol system, feed gas compressors, odorant injection, control systems, and fire protection system additions.

ALNG also requests authorization:

- To acquire two existing 0.45-mile-long, 10.75-inch-diameter pipeline crossings of the Providence River;
- To abandon three existing vaporizers and related facilities;
- To abandon its present LNG services;
- To provide an enhanced, open access LNG handling service; and
- For a blanket certificate to construct eligible facilities.

AGT proposes to reconstruct the East Providence Meter Station to accommodate lower natural gas deliveries as a result of PGC transferring volumes to the ALNG Interconnect. Construction would occur under AGT's subpart F Blanket Certificate and associated environmental requirements.

PGC would construct limited non-jurisdictional facilities on its property in association with the proposed project. These include:

- Construction of a regulator station to accept gas from ALNG; and
- Retirement of PGC boil-off compressors and certain structures.

The proposed Algonquin LNG Modifications Project is shown in appendix 1.²

Land Requirements for Construction

The proposed facilities have been sited within existing industrial areas, and within or along roadway and utility rights-of-way. In general, the construction of the proposed LNG facilities would be confined to the existing 16.5 acre ALNG plant area leased from PGC, and an additional adjacent 4.2 acres to be leased from PGC. A proposed valve site and interconnections to the PGC system would require work immediately adjacent to the ALNG site on PGC properties that are currently used for gas distribution activities. These areas are currently graded and covered with gravel.

The proposed new pipeline in East Providence would typically require a 50-foot-wide permanent right-of-way and a 25-foot-wide temporary construction workspace. A reduced right-of-way and construction workspace would be utilized along the Veterans Memorial Parkway to avoid and/or minimize impacts. The proposed permanent right-of-way would encompass an area of about 3.59 acres. The construction workspace would require an additional 4.53 acres. With exception to the Veterans Memorial Parkway, these areas are all industrial land that has been previously disturbed.

Access to the proposed facilities would be from existing public and private roadways. No new access roads would be required.

The EA Process/Environmental Issues

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA and whether an EIS is necessary. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

¹ Algonquin LNG, Inc.'s application was filed with the Commission under Section 7 of the Natural Gas Act and Parts 157 and 284 of the Commission's regulations.

² The appendices referenced in this notice are not being printed in the Federal Register. Copies are

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- **Geology and Soils**
 - Erosion control.
 - Facility site and right-of-way restoration.
 - Soil contamination.
- **Water Resources**
 - Potential to affect water quality and riparian resources.
 - Cooling water discharge into the Providence River.
- **Biological Resources**
 - Effect of facility construction and operation on wildlife and fisheries habitat, including wintering waterfowl.
 - Effect on wetland habitats.
- **Cultural Resources**
 - Effect on historic and prehistoric sites.
 - Native American and tribal concerns.
- **Socioeconomics**
 - Impact of a peak workforce of about 225 workers on the surrounding area.
- **Land Use**
 - Impact on state areas of critical environmental concern.
 - Impact on residences and recreation areas.
- **Air Quality and Noise**
 - Air quality and noise impacts associated with construction.
 - Impact on regional air quality and noise-sensitive areas associated with operation of the proposed LNG facility.
- **Public Safety**
 - Compliance with 49 CFR 193.

We will also evaluate possible pipeline and technology alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Public Participation/Scoping Meeting

You can make a difference by sending a letter addressing your specific

comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative pipeline routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., NE, Washington, D.C. 20426;
- Reference Docket No. CP96-517-000;
- Send a *copy* of your letter to: Mr. Chris Zerby, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., NE, Room 72-55, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before July 26, 1996.

Beyond asking for written comments, we will hold a public scoping meeting during the week of July 15, 1996 (time, date and location will be noticed at a later date). This public meeting will be designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project.

At a later date (time, date and location will be noticed at a later date) the FERC staff will meet with representatives of ALNG to conduct a cryogenic design and engineering review of the proposed LNG facilities.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an "intervenor". Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Chris Zerby, EA Project Manager, at (202) 208-0111.

Lois D. Cashell,
Secretary.

[FR Doc. 96-16532 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-569-000, et al.]

Michigan Gas Storage Company, et al.; Natural Gas Certificate Filings

June 21, 1996.

Take notice that the following filings have been made with the Commission:

1. Michigan Gas Storage Company

[Docket No. CP96-569-000]

Take notice that on June 13, 1996, as supplemented on June 20, 1996, Michigan Gas Storage Company (Michigan Gas), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP96-569-000, a request pursuant to Sections 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.211 and 157.216) for authorization to install two delivery taps and abandon one delivery tap in Oakland County, Michigan, in order to serve Consumers Power Company (Consumers), under the blanket certificate issued in Docket No. CP84-451-000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Michigan Gas states it plans to install a 22-inch tap at the Squirrel Road Valve Site in Orion Township, and a 20-inch tap at the Dutton Road Valve Site in Oakland Township, both on its Line 600 in Oakland County, Michigan. Michigan Gas explains that Consumers has requested these delivery taps be constructed in conjunction with a new transmission line being built on Consumers' system under a certificate granted by the Michigan Public Service Commission in Case U-10925.

Michigan Gas explains that deliveries through these taps will be made to and from Michigan Gas' system dependent upon the time of year and whether Consumers is withdrawing or injecting gas from its nearby storage fields. Michigan Gas states that these new delivery taps, in conjunction with Consumers' new transmission line, will increase the peak day capacity of the integrated system by about 400 MMcf/d, in order to meet the design peak loads of Consumers' sales and end use

transport customers. Michigan Gas states that the transfer of gas will be made primarily under Michigan Gas' NNS and IT Tariffs. Michigan Gas says that the total deliveries through the taps will not exceed the authorized volumes in transport contracts under Michigan Gas' existing tariffs. Michigan Gas relates that the new delivery taps are not prohibited by any existing Michigan Gas tariff.

Further, Michigan Gas requests authority, under Section 157.216 of the Commission's regulations, to abandon its existing Dutton Road delivery tap because that tap will, at the request of Consumers, the only customer directly served by that facility, be replaced by the new Dutton Road delivery tap.

Michigan Gas estimates the cost of the delivery taps to be \$175,000, which will be reimbursed to it by Consumers.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Northwest Pipeline Corporation

[Docket No. CP96-574-000]

Take notice that on June 17, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP96-574-000, pursuant to Sections 157.205, 157.211 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to abandon existing meter facilities and appurtenances of its Yelm Meter Station and constructing and operating upgraded replacements to accommodate Washington National Gas Company (Washington Natural) for additional delivery capacity authorized in blanket certificate issued in Docket No. CP82-433-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to remove the existing 2-inch rotary meter and appurtenances and install a new 3-inch turbine meter and appurtenances at the Yelm Meter Station, located in Thurston County, Washington. Northwest states that the proposed meter replacement will increase the design capacity of the station from 1,400 Dth per day to approximately 2,200 Dth per day at the 400 psig contract pressure. The estimated cost of the proposed facility upgrade would be approximately 76,900, which would be reimbursed by Washington Natural.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. Natural Gas Pipeline Company of America

[Docket No. CP96-575-000]

Take notice that on June 17, 1996, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed pursuant to Section 7(b) of the Natural Gas Act, for authority to abandon, by sale to Valero Transmission, L.P. (Valero), its Luby-Petronilla Lateral consisting of 17.15 miles of 8-inch pipeline lateral and related facilities.

Valero intends to pay Applicant \$775,000 for the facilities. Applicant requests a Commission determination that the facilities will be non-jurisdictional after transfer to Valero.

Comment date: July 12, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. El Paso Natural Gas Company

[Docket No. CP96-578-000]

Take notice that on June 18, 1996, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP96-578-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new delivery point in Pecos County, Texas to permit the interruptible transportation and delivery of natural gas to Delhi Gas Pipeline Corporation (Delhi), under El Paso's blanket certificate issued in Docket No. CP82-435-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that Delhi desires to augment its system supplies within the State of Texas and has requested that El Paso provide transportation service pursuant to a Transportation Service Agreement (TSA) dated March 29, 1996. This TSA provides for the interruptible transportation of natural gas by El Paso for Delhi from any point of interconnection on El Paso's mainline facilities located in Anadarko, Permian and San Juan Basins to a proposed point of delivery in Pecos County, Texas and any other existing delivery points.

El Paso states that the proposed quantity of natural gas to be transported on an interruptible basis to the Delhi W2 Delivery Point is estimated to be 5,475,000 Mcf annually or an average of 15,000 Mcf per day, and the estimated maximum peak day natural gas requirement at the Delhi W2 Delivery Point is 50,000 Mcf.

In order to facilitate the delivery of gas under the TSA, the request for authorization states that a new delivery point on El Paso's 24" O.D. Line from Oasis Meter Station to 12¾" O.D. Suction Line in Pecos County, Texas would be constructed by El Paso to provide Delhi with additional flexibility in acquiring gas supplies to serve their growing markets.

Accordingly, El Paso requests authorization to construct and operate the new Delhi W2 Delivery Point. The request states the estimated cost of the new delivery point to El Paso is \$58,900, and that Delhi has agreed to reimburse El Paso for the costs related to the construction of the Delhi W2 Delivery Point.

In addition, Delhi has advised El Paso that Delhi will construct the meter run facility at the Delhi W2 Delivery Point. El Paso has also been advised that Delhi will install appurtenant pipeline and regulation facilities to connect its intrastate pipeline system with the proposed delivery point. El Paso further states that its environmental analysis supports the conclusion that construction and operation of the proposed Delhi W2 Delivery Point would not be a major Federal action significantly affecting the human environment.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Pipeline Corporation

[Docket No. CP96-580-000]

Take notice that on June 19, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP96-580-000, pursuant to Sections 157.205, 157.211 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to abandon certain inefficient facilities and to construct and operate modified replacement facilities at their Covinton Meter Station authorized in blanket certificate issued in Docket No. CP82-433-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to modify the Covinton Meter Station located in King County, Washington by replacing the two existing 6-inch orifice meters and appurtenances with two new 6-inch turbine meter and appurtenances. Northwest states that these modifications would increase the maximum design capacity of the meters from 21,500 Dth per day to approximately 26,167 Dth per day at a delivery pressure of 300 psig. The

estimated cost of the proposed facility replacements would be \$100,632.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP96-581-000]

Take notice that on June 19, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP96-581-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate the new Merlin Meter Station in Josephine County, Oregon to deliver natural gas to The Washington Water Power Company (Water Power), a local distribution company, under Northwest's blanket certificate issued in Docket No. CP82-433-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest proposes to construct and operate the new Merlin Meter Station consisting of a 2-inch hot tap, two 1-inch regulators, two 2-inch rotary meters, inlet and outlet piping and appurtenances at approximately milepost 126.95 on Northwest's Eugene to Grants Pass Lateral in Section 21, Township 35 South, Range 5 West, Josephine County, Oregon. The proposed Merlin Meter Station will have a design capacity of approximately 700 Dth per day at a delivery pressure of 300 psig. Northwest estimates that the total cost for the proposed meter station to be \$201,715.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company

[Docket No. CP96-584-000]

Take notice that on June 19, 1996, Northern Natural Gas Company (Northern), P.O. Box 3330, Omaha, Nebraska 68103-0330, filed in Docket No. CP96-584-000, a request pursuant to Sections 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon 23 small volume measuring facilities located in Iowa, Minnesota, and Nebraska, under Northern's blanket certificate issued in Docket No. CP82-401-000 and Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern asserts that it has the consent of each end-user to remove the measuring stations from their property. Northern states that the facilities to be abandoned are jurisdictional facilities under the NGA and were constructed pursuant to superseded 2.55 regulations, budget, or blanket authority, depending on the year the facilities were originally placed in-service.

Comment date: August 5, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations

under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96-16566 Filed 6-27-96; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00185; FRL-5370-9]

Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that EPA is planning to submit the following continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections described below. The ICRs are: (1) A continuing ICR entitled "Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances," EPA ICR No. 0574, OMB No. 2070-0012, and (2) a continuing ICR entitled "Polychlorinated Biphenyls (PCBs): Exclusions, Exemptions and Use Authorizations," EPA ICR No. 1001, OMB No. 2070-0008. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

DATES: Written comments must be submitted on or before August 27, 1996.

ADDRESSES: Submit three copies of all written comments to: TSCA Document Receipts (7407), Room NE-G99, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460,

Telephone: 202-260-7099. All comments should be identified by the respective administrative record numbers: comments on ICR No. 0574 should reference administrative record number 158, and comments on ICR No. 1001 should reference administrative record number 157. These ICRs are available for public review at, and copies may be requested from, the docket address and phone number listed above.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form with respect to ICR No. 0574 must be identified by the administrative record number AR-158 and ICR number 0574. All comments and data in electronic form with respect to ICR No. 1001 must be identified by the administrative record number AR-157 and ICR number 1001. No CBI should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-554-1404, TDD: 202-554-0551, e-mail: TSCA-Hotline@epamail.epa.gov. For technical information contact the following individuals:

For ICR No. 0574, contact Miriam Wiggins-Lewis, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone 202-260-3937; Fax: 202-260-0118; e-mail: wiggins-lewis.miriam@epamail.epa.gov.

For ICR No. 1001, contact Margaret Reynolds, Chemical Management Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone 202-260-3965; Fax: 202-260-1724; e-mail: reynold.peggy@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Entities potentially affected by this action are: with respect to ICR No. 0574,

manufacturers or importers of new chemical substances, as defined by the Toxic Substances Control Act (TSCA), or manufacturers, processors, or importers of a chemical substance for a use that has been determined a significant new use, as defined by TSCA; and with respect to ICR No. 1001, chemical companies that manufacture chemical products, the manufacture of which is accompanied by the inadvertent generation of PCBs as trace byproducts or impurities, and companies that import chemical products that contain PCBs as trace byproducts or impurities. For the collection of information addressed in this notice, EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

II. Information Collections

EPA is seeking comments on two Information Collection Requests, which are identified and discussed separately below.

Title: Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances, EPA ICR No. 0574, OMB No. 2070-0012, expires October 31, 1996.

Abstract: TSCA section 5 requires manufacturers and importers of new chemical substances to submit to EPA notice of intent to manufacture or import a new chemical substance 90 days before manufacture or import begins. EPA reviews the information contained in the notice to evaluate the health and environmental effects of the new chemical substance. On the basis of the review, EPA may take further regulatory action under TSCA, if warranted. If EPA takes no action within 90 days, the submitter is free to

manufacture or import the new chemical substance without restriction.

TSCA section 5 also authorizes EPA to issue Significant New Use Rules (SNURs). EPA uses this authority to take follow-up action on new or existing chemicals that may present an unreasonable risk to human health or the environment if used in a manner that may result in different and/or higher exposures of a chemical to humans or the environment. Once a use is determined to be a significant new use, persons must submit a notice to EPA 90 days before beginning manufacture, processing or importation of a chemical substance for that use. Such a notice allows EPA to receive and review information on such a use and, if necessary, regulate the use before it occurs.

Finally, TSCA section 5 also permits applications for exemption from section 5 review under certain circumstances. An applicant must provide information sufficient for EPA to make a determination that the circumstances in question qualify for an exemption. In granting an exemption, EPA may impose appropriate restrictions.

Responses to the collection of information are mandatory (see 40 CFR parts 720, 721, and 723). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 241,611 hours per year, based on an average burden of approximately 105 hours per response for an estimated 432 respondents submitting one or more reports of information annually. These estimates include the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Title: Polychlorinated Biphenyls (PCBs): Exclusions, Exemptions and Use Authorizations, EPA ICR No. 1001, OMB No. 2070-0008, expires January 31, 1997.

Abstract: TSCA section 6(e) generally prohibits the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs). However, federal regulations exclude certain manufacturing processes from these prohibitions, enabling chemical manufacturers to continue to manufacture essential chemical products, the manufacture of which is accompanied by the inadvertent generation of PCBs as trace byproducts or impurities. To be eligible for such an exclusion, chemical manufacturers must comply with certain certification, reporting and recordkeeping requirements. These requirements provide the means for EPA to verify that companies indeed generate only trace quantities of PCBs in their products and thus do not present an unreasonable risk of injury to human health or the environment. EPA also uses the data to identify sites for compliance inspections.

Responses to the collection of information are mandatory (see 40 CFR part 761). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 1,030 hours per year, based on an average burden of approximately 25 hours per response for an estimated six respondents submitting a one-time report of information, and an average burden of approximately 5 hours for an estimated 176 respondents maintaining required records. These estimates include the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

III. Public Record

A record has been established for this action under docket number "OPPTS-00185" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not

include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: June 18, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 96-16589 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-F

[FRL-5521-1 OMB No. 2070-0081; EPA ICR No. 1289.04]

Agency Information Collection Activities Under OMB Review; Wood Preservatives—Submission of Information Regarding Arsenic Exposure Levels in Wood Treatment Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D)), this notice announces that the Information Collection Request (ICR) for Wood Preservative—Submission of Information Regarding Arsenic Exposure Levels in Wood Treatment Plants described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 29, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1289.04.

SUPPLEMENTARY INFORMATION:

Title: Wood Preservatives—Submission of Information Regarding Arsenic Exposure Levels in Wood Treatment Plants (OMB Control Number 2070-0081; EPA ICR No. 1289.04). This is a request for an extension of a currently approved collection.

Abstract: This information collection provides wood treaters that use arsenic formulations a way of exempting themselves from the FIFRA pesticide label requirements, which dictate that all applicators of the registered pesticide product wear NIOSH approved respirators. The program that provides this opportunity for facilities to exempt themselves from the respirator requirements is called the Permissible Exposure Limit Monitoring Program (PEL) and it is incorporated into the "Notice of Intent to Cancel Registrations of Pesticide Product Containing Creosote, Pentachlorophenol (Including Its Salts) and Inorganic Arsenic." It was published in the July 1984 Federal Register, vol. 49, No. 136, p. 28674. Facilities that choose to participate in the voluntary PEL can do the following to exempt themselves from the respirator requirements. First, the facility operator needs to conduct monitoring for air-borne arsenic. Operators with facilities that have air-borne arsenic levels that are higher than the permissible exposure limit would have to continue to require plant personnel to wear respirators. If a facility's air-borne arsenic levels are below the permissible exposure limit, plant personnel would no longer be required to wear respirators. Depending on how close the levels are to the permissible exposure limit, the facility would be required to retest periodically or fill out a checklist, which indicates if arsenic exposure levels are likely to increase due to changes in the facility's industrial process.

Participating facilities must submit the air monitoring test results to EPA or, if arsenic levels are low and testing is not required, then they can simply fill out the checklist and submit it to EPA. All submissions must certify that the information provided is accurate.

EPA uses the certification and air monitoring data to determine if the wood preserving facility is complying with the air-borne arsenic levels set by the cancellation order, which was set to ensure that plant personnel are not exposed to levels of arsenic that pose an

unacceptably high health risk. This data will also be used to monitor which wood treatment facilities are participating in the PEL and thus could be exempt from the pesticide label requirement to wear a respirator. Because the information that would be submitted to EPA is not confidential business information it will not be handled as such.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 03/26/96 (61 FR 13190).

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 3 hours and 30 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 300.

Estimated Number of Respondents: 250.

Estimated Number of Responses: 250.

Frequency of Response: once per year.

Estimated Total Annual Hour Burden: 888 hours.

Estimated Total Annualized Cost Burden: \$0

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1289.04 and OMB Control No. 2070-0081 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory

Information Division (2137), 401 M Street, SW., Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: June 20, 1996.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96-16584 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-5470-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 17, 1996 Through June 21, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1996 (61 FR 15251).

Draft EISs

ERP No. D-AFS-L60103-AK Rating EC2, Swanlake-Lake Tyee Intertie Project, Electrical Transmission Line and Associated Facilities Construction and Operation, Northwestern Portion of Revillagigedo Island from Upper Carroll Inlet to Behm Canal and the Northeastern Portion of Cleveland Peninsula from Spacious Bay to Bradford Canal, Special-Use-Permit Issuance, Tongass.

Summary: EPA expressed environmental concerns regarding the project's impacts to fish populations in Lake Tyee. EPA requested clarification of this issue.

ERP No. D-AFS-L65267-AK Rating LO, Helicopter Landings within Wilderness, Implementation, Tongass National Forest, Chatham, Stikine and Ketchikan Area, AK.

Summary: EPA's abbreviated review has revealed no environmental concerns on this project.

ERP No. D-FAA-C51019-NY Rating EC2, LaGuardia Airport East End Roadway Improvements Project, Four New Ramps at the 102nd Street Bridge Construction, Airport Layout

Plan Approval and Funding, Queens County, NY.

Summary: EPA expressed environmental concerns regarding the proposed project's conformity with the SIP. EPA requested that additional information be provided.

ERP No. D-NPS-C61009-NY Rating LO, Manhattan Sites General Management Plans, Implementation, Castle Clinton National Monument, Federal Hall National Memorial, General Grant National Memorial, Saint Paul's Church National Historic Site and Theodore Roosevelt Birthplace National Historic Site, New York and Westchester Counties, NY.

Summary: EPA believed that the proposed project will not result in significant adverse environmental impact; therefore, EPA had no objection to its implementation.

Final EISs

ERP No. F-USN-K11065-CA, Miramar Naval Air Station (NAS) Realignment or Conversion to Miramar Marine Corps Air Station, Implementation, San Diego, CA.

Summary: EPA continued to have environmental concerns regarding full disclosure of noise complaints and documentation of comment responses.

ERP No. F-USN-K11066-CA, Camp Pendleton Marine Corps Air Station/Marine Corps Base (MCAS/MCB) Realignment and Tustin and EL Toro Marine Corps Bases Closure, Implementation and COE Section 404 Permit Issuance, San Diego County, CA.

Summary: EPA continued to express environmental concerns regarding water quality, wetlands, cumulative impacts and flood control.

Dated: June 25, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-16605 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

[ER-FRL-5470-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153. Weekly receipt of Environmental Impact Statements Filed June 17, 1996 Through June 21, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960285, Final EIS, AFS, TX, Texas National Forests and Grasslands Revised Land and

Resource Management Plan, Implementation, several counties, TX, Due: July 29, 1996, Contact: William S. Bartush (409) 639-8501.

EIS No. 960286, Draft EIS, COE, CA, US Food and Drug Administration Laboratory, Land Acquisition, Construction and Operation on the North Campus Area at the University of California, Irvine, Orange County, CA, Due: August 12, 1996, Contact: Mr. Alex Watt (213) 452-3860.

EIS No. 960287, Draft EIS, TVA, TN, GA, MS, VA, AL, KY, NC, Shoreline Management Initiative: An Assessment of Residential Shoreline Development Impacts in the Tennessee Valley, Mainstream Tennessee River and Tributary Reservoirs in AL, KY, NC, TN, GA, MS and VA, Due: August 31, 1996, Contact: Ronald D. Davis, Sr. (800) 882-5263.

EIS No. 960288, Draft EIS, FRC, WI, Peshtigo River Multiple Hydroelectric Project, Six Existing Hydroelectric Projects Relicensing, Caldron Falls (FERC No. 2525), Sandstone Rapids (FERC No. 2546), High Falls (FERC No. 2595), Potato Rapids (FERC No. 2560), Johnson Falls (FERC No. 2522) and Peshtigo (FERC No. 2581), Oconto and Marinette Counties, WI, Due: August 12, 1996, Contact: Jim Haimes (202) 219-2780.

EIS No. 960289, Draft EIS, GSA/UPS, NY, US Brooklyn Court Project, Demolition of the Emanuel Celler Federal Building, Construction of a New Courthouse and Renovation/ Adaptive Reuse of the General Post Office at Cadman Plaza East, Kings County, NY, Due: August 12, 1996, Contact: Peter A. Sneed (GSA) (212) 264-3581. The US General Services Administration (GSA) and the US Postal Service (USPS) are Joint Lead Agencies for the above DEIS. Mr. Leon Levine, 215-931-5489 is the contact point for the USPS.

EIS No. 960290, Final EIS, FHW, UT, I-15 Corridor Highway Improvements, 10800 South Street to 500 North Street, Funding, Salt Lake County, UT, Due: July 29, 1996, Contact: William R. Gedris (801) 963-0183.

EIS No. 960291, Final EIS, FHW, NV, Tier 1—FEIS Northern and Western Las Vegas Beltway Establishment, Need for and Location of a Transportation Corridor, Clark County, NV, Due: July 29, 1996, Contact: Wayne G. Kinder (702) 687-5322.

EIS No. 960292, Draft EIS, AFS, WV, VA, Appalachian Power/American Electric Power 765kV Transmission Line Construction, Oceana, WV to Cloverdale, WV, Right-of-Way, and

Special-Use-Permits, Federal and Non Federal Land, George Washington and Jefferson National Forests, several counties, WV and VA, Due: October 07, 1996, Contact: Frank Bergmann (540) 265-6054.

EIS No. 960293, Draft EIS, FTA, MO, St. Charles Corridor, Transit Improvements, MO-370 on the north, the initial Metrolink Line on the east, and the Page Avenue/Rock Island Railroad, St. Louis and St. Charles Counties, MO, Due: August 16, 1996, Contact: Lee Waddleton (816) 523-0204.

EIS No. 960294, Draft EIS, COE, IN, Indianapolis North Flood Damage Reduction Feasibility Study, Construction of Floodwalls and Levees, White River, Marion County, IN, Due: August 12, 1996, Contact: William Ray Haynes (502) 582-6475.

EIS No. 960295, Final EIS, EPA, TX, LA, Territorial Seas off Texas and Louisiana Oil and Gas Extraction Activities, Outer Continental Shelf (OCS), New Source NPDES Permit, Gulf of Mexico, TX and LA, Due: July 29, 1996, Contact: Joe Swick (214) 665-7456.

EIS No. 960296, Final EIS, AFS, ID, Beaver/Cedar Land Change Project, Implementation, Clearwater National Forest, North Fork and Palause Ranger Districts, Clearwater and Latah Counties, ID, Due: July 29, 1996, Contact: Bill Jones (208) 476-4541.

EIS No. 960297, Final EIS, FHW, MT, US 93 Highway Transportation Project, Improvements between Evano and Polson, Funding and COE Section 404 Permit, Missoula and Lake Counties, MT, Due: July 29, 1996, Contact: Joel Marshik (406) 444-7632.

EIS No. 960298, Final EIS, DOE, TN, VA, SC, Disposition of Surplus Weapons-Usable Highly Enriched Uranium (HEU) to Low Enriched Uranium (LEU), Site Selection, Y-12 Plant Oak Ridge, TN; Savannah River Site, Aiken, SC; Babcock & Wilcox Naval Nuclear Fuel Division, Lynchburg, VA and Nuclear Fuel Services Plant, Erwin, TN, Due: July 29, 1996, Contact: J. David Nulton (202) 586-4513.

Amended Notices

EIS No. 960197, Final Supplement, IBR, NM, CO, Animas-La Plata Project, Additional Information concerning Agricultural, Municipal and Industrial Water Supplies, Animas and La Plata Rivers, San Juan County, NM and La Plata and Montezuma Counties, CO, Due: July 29, 1996, Contact: Ken Beck (970) 385-6558. Published FR 04-26-96—Wait Period has been Reopened for an additional

30 days from the date of this Federal Register. For additional information and copies of the supporting Appendices contact the above person.

Dated: June 25, 1996.

B. Katherine Biggs,
Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-16606 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL 5529-6]

Clean Air Act Advisory Committee Notice of Meeting

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990 to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific, and enforcement policy issues.

OPEN MEETING NOTICE: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Wednesday, July 31, 1996, from 8:30 a.m.-4:30 p.m. at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia. Seating will be available on a first come, first served basis. The Ozone, PM and Regional Haze Subcommittee will conduct a meeting on Monday, July 29, 1996, from 8:00 a.m.-5:00 p.m. The Permits/NSR/Toxics Integration Subcommittee, the Economic Incentives and Regulatory Innovations Subcommittee and the Linking Transportation and Air Quality Concerns Subcommittee will conduct meetings on Tuesday evening, July 30, 1996 from 7:00 p.m.-9:30 p.m. Subcommittee meeting times may change at the discretion of the co-chairs.

INSPECTION OF COMMITTEE DOCUMENTS:

The committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with the CAAAC meeting minutes will be available by contacting Committee DFO Paul Rasmussen at (202) 260-6877.

FOR FURTHER INFORMATION concerning this meeting of the CAAAC please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 260-6877, Fax (202) 260-4185, or by mail at US EPA, Office of Air and Radiation (Mail Code 6102), Washington, D.C. 20460. For more information concerning the

Ozone, PM and Regional Haze portion of this meeting contact Mr. William F. Hamilton, Designated Federal Officer at (919) 541-5498, or by mail at U.S. EPA, Office of Air Quality Planning and Standards, MD-12, Research Triangle Park, North Carolina 27711. If you would like to receive an agenda for the CAAAC meeting, please leave your fax number on Mr. Rasmussen's voice mail and it will be forwarded to you. In order to receive an agenda for the Ozone, Particulate Matter and Regional Haze Subcommittee meeting, a copy can be downloaded from FACA Subcommittee Bulletin Board located on the Office of Air Quality Planning and Standards Technology Transfer Network (OAQPS TTN) or by contacting Ms. Denise M. Gerth at (919) 541-5550.

Dated: June 21, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96-16580 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5528-7]

Common Sense Initiative Council, Printing Sector Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory Common Sense Initiative Council, Printing Sector Subcommittee Meeting; Open Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Printing Sector Subcommittee of the Common Sense Initiative Council (CSIC) will meet on July 17, 1996, to discuss two ongoing projects. The Subcommittee's two workgroups will meet the preceding day. All meetings are open to the public. Seating at meetings will be on a first-come basis. Limited time will be provided for members of the public wishing to make an oral presentation or comments at the Subcommittee meeting.

OPEN MEETING NOTICE: Notice is hereby given that the Environmental Protection Agency is convening an open meeting of the Printing Sector Subcommittee on Wednesday, July 17, 1996. This meeting will take place from 8:30 a.m. EDT until 4:30 p.m. EDT. The workgroups will meet the preceding day, Tuesday, July 16, 1996, from approximately 9:00 a.m. EDT until 12:00 Noon EDT and from 2:30 pm EDT until 5:00 p.m. EDT. Both the Subcommittee and the Workgroup Meetings will be held at the Courtyard by Marriott, 2899 Jefferson Davis

Highway, Arlington, Virginia. The telephone number for the hotel is 703-549-3434.

The purpose of the Subcommittee meeting is to discuss two ongoing projects undertaken by the Subcommittee. These two projects are the Multi-Media Flexible Permitting Project, and the New York City Education Project. The purpose of the workgroups' meetings is to discuss the status of these two projects and plan future work. Agendas will be available July 8, 1996.

INSPECTION OF SUBCOMMITTEE

DOCUMENTS: Documents relating to this Printing Sector Subcommittee Meeting will be publicly available at the meeting. Thereafter, these documents and the minutes of the meeting will be available for public inspection in room 2821M of EPA Headquarters, 401 M Street, SW., Washington, DC 20460, telephone number 202-260-7417. Common Sense Initiative information can be accessed electronically through contacting Katherine Brown at: brown.katherine@epamail.gov.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, contact Ginger Gotliffe of EPA's Office of Enforcement and Compliance Assurance at 202-564-7072, or Nancy Cichowicz, EPA, Region III, at 215-566-5390.

Dated: June 21, 1996.

Rand Snell,

Acting Designated Federal Officer.

[FR Doc. 96-16542 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5528-7]

Good Neighbor Environmental Board; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the U.S. Environmental Protection Agency gives notice of a meeting of the Good Neighbor Environmental Board.

The Good Neighbor Environmental Board was created by the Enterprise for the Americas Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for advising the President and the Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico. The statute calls for the Board to have governmental and nongovernmental representatives from the States of Arizona, California, New

Mexico and Texas, and from U.S. Government agencies. The Board meets at least twice annually.

The Board's agenda will focus primarily on the Border XXI environmental plan, federal agency programs along the U.S.-Mexico border, and development of the 1996 Annual Report to the President and the Congress.

The meeting is open to the public, with limited seating on a first-come, first-served basis. Members of the public are invited to provide oral and/or written comments to the Board. Time will be provided on August 5, 1996, to obtain input from the public.

DATES: The Board will meet on August 5 and 6, 1996. The Board will meet on August 5, 1996 from 8:30 a.m. to 5:00 p.m., and on August 6, 1996 from 8:00 a.m. to 1:30 p.m.

ADDRESSES: The Wyndham Emerald Plaza Hotel, 400 West Broadway, San Diego, California 92101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Robert Hardaker, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202-260-2477.

Dated: June 17, 1996.

Robert Hardaker,

Designated Federal Officer, Good Neighbor Environmental Board.

[FR Doc. 96-16539 Filed 6-27-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5529-8]

Public Meeting of the Storm Water Phase II Advisory Subcommittee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is changing the date and place of the August meeting of the Storm Water Phase II Advisory Subcommittee. In the Federal Register Notice of Wednesday, April 24, this meeting was listed as being held on August 5-6, 1996 at the Latham Hotel Georgetown. Discussions on issues concerning the framework for Phase II implementation will be continued at this meeting. This meeting is open to the public without need for advance registration.

DATES: The Subcommittee meeting will be held on August 12-13, 1996. On August 12, the meeting will begin at approximately 9:00 a.m. EST and run until approximately 5:30 p.m. On August 13, the meeting will run from approximately 8:30 a.m. until 4:00 p.m.

ADDRESSES: The August 12–13 meeting will be held at the Holiday Inn Hotel & Suites, 625 First Street, Alexandria, VA. The Holiday Inn's telephone number is (703) 548–6300.

FOR FURTHER INFORMATION: Contact Sharie Centilla, Office of Wastewater Management, at (202) 260–6052 or Internet:

centilla.sharie@epamail.epa.gov

Dated: June 19, 1996.

Michael B. Cook,
*Director, Office of Wastewater Management,
Designated Federal Official.*

[FR Doc. 96–16579 Filed 6–27–96; 8:45 am]

BILLING CODE 6560–50–P

[PF–657; FRL–5378–4]

Ciba-Geigy Corporation and ISK Biosciences Corporation; Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket number PF–657, must be received on or before July 29, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as “Confidential Business Information” (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-

docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF–657]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis Edwards, Product Manager (PM) 19, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 2801 Jefferson Davis Highway, Arlington, VA 22202, 703–305–6386; e-mail: edwards.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received the following pesticide petitions from ISK Biosciences Corporation and Ciba-Geigy Corporation proposing the establishment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities.

1. *PP 6F4662.* ISK Biosciences Corporation, 5966 Heisley Road, P.O. Box 8000, Mentor, Ohio 44061–8000, proposes to amend 40 CFR part 180 by establishing a tolerance for residues of the insecticide fosthiazate [(RS)-o-ethyl S-(1-methylpropyl) (2-oxo-3-thiazolidinyl) phosphonothioate] at 0.02 parts per million in or on the raw agricultural commodity tomatoes. (PM 19)

2. *PP 6F4715.* Ciba-Geigy Corporation, Ciba Crop Protection, P.O. Box 18300, Greensboro, NC 27419, proposes to amend 40 CFR 180.472 by establishing a tolerance for residues of the insecticide methidathion: O,O-dimethyl phosphorodithioate, s-ester with 4-(mercaptomethyl)-2-methoxy-1,3,4-thiadiazolin-5-one in or on the raw agricultural commodity grapes at 0.05 ppm and on pistachios at 0.05 ppm. (PM 19)

A record has been established for this document under docket number [PF–657] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at: opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in “ADDRESSES” at the beginning of this document.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 136a.

Dated: June 12, 1996.

Stephen L. Johnson,
*Director, Registration Division, Office of
Pesticide Programs.*

[FR Doc. 96–16391; Filed 6–27–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

June 21, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not

conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before August 27, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3060-0309.

Title: Section 74.1281 Station Records.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 2,450 FM translator and FM booster stations.

Estimated time per response: 1 hour per station.

Total annual burden: 2,450.

Needs and Uses: Section 74.1281 requires that licensees of FM translator/booster stations maintain adequate records. These records include the current instrument of authorization, official correspondence with FCC,

maintenance records, contracts, permission for rebroadcasts and other pertinent documents. They also include entries concerning any extinguishment or improper operation of tower lights. The data is used by FCC staff in investigations to assure that the licensee is operating in accordance with the technical requirements as specified in the FCC Rules and with the station authorization, and is taking reasonable measures to preclude interference to other stations.

OMB Number: 3060-0393.

Title: Section 73.54 Antenna resistance and reactance measurements.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit.

Number of Respondents: 200 AM Licensees.

Estimated time per response: 1.25 hours (0.25 hours consultation time; 1 hour contract consulting engineer).

Total annual burden: 50.

Needs and Uses: Section 73.54(d) requires that AM licensees file notification with the FCC when determining power by the direct method. This notification requirement is accomplished through a formal application process and has OMB approval under FCC Form 302, (OMB Control No. 3060-0029). In addition, Section 73.54(d) requires that background information regarding antenna resistance measurement data for AM stations must be kept on file at the station. The background information is used by FCC staff in field investigations to ensure that measurements are taken properly and by station licensees to identify any problems that may occur.

OMB Number: 3060-0326.

Title: Section 73.69 Antenna Monitors.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit.

Number of Respondents: 20 AM Licensees.

Estimated time per response: 1 hour per 73.69(d)(1); 2 hours per 73.69(d)(5).

Total annual burden: 30.

Needs and Uses: Section 73.69(c) requires AM station licensees with directional antennas to file an informal request to operate without required monitors with the Engineer in Charge of the radio district in which the station is located when conditions beyond the control of the licensee prevent the restoration of an antenna monitor to service within a 120 day period. Section 73.69(d)(1) requires that AM licensees

with directional antennas request and obtain temporary authority to operate with parameters at variance with licensed values when an authorized antenna monitor is replaced pending issuance of a modified license specifying new parameters. Section 73.69(d)(5) requires AM licensees with directional antennas to submit an informal request for modification of license to the FCC within 30 days of the date of antenna monitor replacement. Station licensees must operate in accordance with station licenses. The data collected by Section 73.69(c) is used by the Engineer in Charge to grant continued approval to operate without the required monitors. The data collected by Section 73.69(d)(1) is used by FCC staff to grant interim authority to licensees to operate in variance of the station license. The data collected by Section 73.69(d)(5) is used by FCC staff to issue a modified license.

OMB Number: 3060-0250.

Title: Section 74.784 Rebroadcasts.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 2,163 low power television, TV translator and TV booster stations.

Estimated time per response: 1 hour.

Total annual burden: 2,163.

Needs and Uses: Section 74.784(b) states that a licensee of a low power television or TV translator station shall not rebroadcast the programs of any other TV broadcast station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. Section 74.784(b) requires licensees of low power television and TV translator stations to notify the Commission when rebroadcasting programs or signals of another station. This notification shall include the call letters of each station rebroadcast. The licensee of the low power television or TV translator station shall certify that written consent has been obtained from the licensee of the station whose programs are retransmitted. The data is used by FCC staff to ensure compliance with Section 325(a) of the Communications Act of 1934, as amended, which states that no broadcasting station shall rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

OMB Number: 3060-0209.

Title: Section 73.1920 Personal attacks.

Form Number: None.

Type of Review: Extension.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents: 676 AM/FM/TV stations.

Estimated time per response: 30 minutes.

Total annual burden: 338 hours.

Needs and Uses: During the presentation of views on a controversial issue of public importance, an attack may be made upon the honesty, character, integrity, or like personal qualities of an identified person or group. Section 73.1920 requires that a licensee of a broadcast station must transmit to the person or group attacked a notification of the date, time and identification of the broadcast of a personal attack, a script or tape of the attack, and an offer of a reasonable opportunity to respond to the attack over the licensee's facilities. This data is used to notify a person or group that a personal attack has been made and to afford that person or group attacked an opportunity to respond to the attack over the licensee's facilities.

OMB Approval Number: 3060-0435.

Title: Section 80.361 Frequencies for Narrow-Band Direct-Printing (NB-DP) and data transmissions.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Individuals, business or other for-profit.

Number of Respondents: 2.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 4 hours.

Total Annual Cost: 0.

Needs and Uses: The reporting requirement contained in Section 80.361 is necessary to require applicants to submit a showing of need to obtain new or additional narrow-band direct-printing (NB-DP) frequencies. Applicants for new or additional NB-DP frequencies are required to show the schedule of service of each currently licensed or proposed series of NB-DP frequencies and to show a need for additional frequencies based on at least a 40% usage of existing NB-DP frequencies. The information is used to determine whether an application for a NB-DP frequency should be granted. If the collection of this information was not conducted, the FCC would have no information available regarding the use of NP-DP frequencies by public coast stations, and, therefore would be handicapped in determining whether the frequencies were being hoarded and not put into use by public coast stations.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-16517 Filed 6-27-96; 8:45 am]

BILLING CODE 6712-01-F

Notice of Public Information Collections being Reviewed by the Federal Communications Commission; Comments Requested

June 21, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 27, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3060-0212.

Title: Section 73.2080 Equal Employment Opportunity Program.

Form Number: None.

Type of Review: Extension.

Affected Public: Business or other for-profit, non-profit institutions.

Number of Respondents: 15,290 broadcast licensees.

Estimated time per response: 52 hours per year.

Total annual burden: 654,680.

Needs and Uses: Section 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex. Section 73.2080 requires that each broadcast station shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice. This section incorporates specific EEO program requirements and general guidelines for meeting those requirements. These guidelines are not intended to be either exclusive or inclusive but simply to provide guidance. This program will provide an appropriate and effective means of informing broadcasters, individuals employed or seeking employment by broadcast stations of its EEO requirements. The data is used by broadcast licensees in the preparation of the station's EEO Program (FCC Form 396) submitted with the license renewal application. The data is also used by FCC staff in field investigations involving equal employment opportunity to assess a broadcast station's EEO program. If this program was not maintained there could be no assurance that efforts are being made to afford equal opportunity in employment.

OMB Number: 3060-0215.

Title: Section 73.3527 Local Public Inspection File of Noncommercial Educational Stations.

Form Number: None.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Number of Respondents: 2,168 noncommercial radio/television licensees recordkeepers.

Estimated time per response: 104 hours per year for recordkeeping.

Total annual burden: 225,472.

Needs and Uses: Section 73.3527 requires that each licensee/permittee of a noncommercial broadcast station maintain a file for public inspection at its main studio or at another accessible location in its community of license. The contents of the file vary according to type of service and status. The

contents include, but are not limited to, copies of certain applications tendered for filing, a statement concerning petitions to deny filed against such applications, copies of ownership reports and annual employment reports, statements certifying compliance with filing announcements in connection with renewal applications, a list of donors supporting specific programs, etc.

In addition, Section 73.3527(a)(7) requires that each broadcast licensee of a noncommercial educational station place in a public inspection file a list of community issues addressed by the station's programming. This list is kept on a quarterly basis and contains a brief description of how each issue was treated. This rule also specifies the length of time, which varies by document type, that each record must be retained in the public file. The data is used by the public and FCC to evaluate information about the licensee's performance and to ensure that station is addressing issues concerning the community to which it is licensed to serve.

OMB Number: 3060-0249.

Title: Section 74.781 Station Records.

Form Number: None.

Type of Review: Extension.

Affected Public: Business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 6,556 low power television, TV translator and TV booster stations.

Estimated time per response: 45 minutes - 1 hour per station.

Total annual burden: 5,081.

Needs and Uses: Section 74.781 requires licensees of low power television, TV translator and TV booster stations to maintain adequate station records. These records shall include the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents. They should also include any observed or otherwise known extinguishment or improper functioning of a tower light. The records are used by FCC staff in field investigations to assure that reasonable measures are taken to maintain proper station operation and to ensure compliance with the Commission's rules. These records are also available for public inspection.

OMB Number: 3060-0161.

Title: Section 73.61 AM Directional Antenna Field Strength Measurements.

Form Number: None.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Number of Respondents: 1,877 AM Licensees.

Estimated time per response: 4 - 50 hours.

Total annual burden: 36,082.

Needs and Uses: Section 73.61 requires that each AM station using directional antennas make field strength measurement as often as necessary to insure proper directional antenna system operation. Stations not having approved sampling systems make field strength measurements every three months. Stations with approved sampling systems must make field strength measurements as often as necessary. Also, all AM stations using directional antennas must make partial proofs of performance as often as necessary. The data is used by FCC staff in field inspections/investigations and by AM licensees with directional antennas to ensure that adequate interference protection is maintained between stations and to ensure proper operation of antennas.

OMB Number: 3060-0709.

Title: Revision of Part 22 and 90 to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act.

Form Number: None.

Type of Review: Extension.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; State or Local Governments.

Number of Respondents: 4,500.

Estimated time per response: .08 hours.

Total annual burden: 360 hours.

Needs and Uses: This proceeding partially lifts the freeze on paging applications and allows applications to be filed by current licensees for additional shared licenses. To insure that the applicants are incumbent licensees, they are required to file a certification stating that they have an operating system and that the application is for an addition or modification of a current system. The information will be used to determine if the applicant is an incumbent licensee.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-16519 Filed 6-27-96; 8:45 am]

BILLING CODE 6712-01-F

Notice of Public Information Collections Submitted to OMB for Review and Approval

June 21, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce

paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 29, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060-0666.

Title: Section 64.703(a) - Consumer Information—Branding by Operator Service Providers.

Form No.: N/A.

Type of Review: Revised Collection.

Respondents: Businesses or other for profit, including small businesses.

Number of Responses: 436.

Estimated Hour Per Response: 1,529 hours per response.

Total Annual Burden: 666,666.

Needs and Uses: As required by 47 U.S.C. Section 226(b)(1), 47 CFR Section 64.703(a) provides that operator service

providers disclose to consumers at the outset of operator assisted calls their identity, and, upon request, rates for the call, collection methods, and complaint procedures. In CC Docket No. 94-158, the Commission modified the term consumer thereby requiring that operator service providers disclose their identities to both parties, rather than one party to a collect call.

OMB Approval Number: 3060-0573.

Title: Application for Franchise Authority ("LFA") Consent to Assignment or Transfer of Control of Cable Television Franchise.

Form: FCC 394.

Type of Review: Revision of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 2,000 (1,000 system owners + 1,000 LFAs).

Estimated Time Per Response: 1-5 hours. Burden to cable system owners is estimated to be an average of 5 hours per application. We estimate that 50% owners will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 50% will employ in house staff to complete the application. 500 applications (50% contracted out) x 1 hour = 500 hours. 500 applications (50% in house) x 5 hours = 2,500 hours. Burden for owners = 500 + 2,500 = 3,000 hours. Burden to LFAs is estimated to be an average of 4 hours to review each application. This burden was previously treated as a third party requirement and was not reported by the Commission. We now include this burden in this collection's inventory. 1,000 applications x 4 hours = 4,000 hours.

Total Annual Burden: Total burden for all respondents: 3,000 + 4,000 = 7,000 hours.

Cost to respondents: \$377,000. Printing and postage costs are estimated at \$2 per application x 1,000 = \$2,000. Assistance by outside legal counsel will be paid at an average of \$150/hour for 50% of the Form 394 applications. \$150/hour x 500 applications x 5 hours per application = \$375,000. Total annual cost burden to respondents = \$2,000 + \$375,000 = \$377,000.

Needs and Uses: On 3/15/96, the Commission adopted an Order in CS Docket No. 96-56, Implementation of Sections 202(f), 202(i) and 301(i) of the Telecommunications Act of 1996. Among other things, this order eliminates the three-year holding requirement of cable systems and reduces ownership restrictions for cable systems. Though there are no revisions necessary to FCC Form 394 to reflect the

Commission's new rules, its use as an information collection requirement has been modified because potential respondents now may include broadcasters and multichannel multipoint distribution service providers other than cable operators. The FCC Form 394 is used to apply for LFA approval to assign or transfer control of a cable television system. The data are used by the LFAs to restrict profiteering transactions and other transfers that are likely to adversely affect cable rates or service in the franchise area.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 96-16518 Filed 6-27-96; 8:45 am]

BILLING CODE 6712-01-F

[Report No. 2139]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

June 25, 1996.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed within 15 days of the date of public notice of the petitions in the Federal Register. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems. (WT Docket No. 96-18)

Implementation of section 309(j) of the Communications Act—Competitive Bidding. (PP Docket No. 93-253)

Number of Petitions Filed: 10.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-16516 Filed 6-27-96; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:03 a.m. on Tuesday, June 25, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Eugene A. Ludwig (Comptroller of the Currency), Mr. Kenneth F. Ryder, acting in the place and stead of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: June 25, 1996.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 96-16755 Filed 6-26-96; 3:36 pm]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Excel International
One Lake Bellevue Dr., Suite 107
Bellevue, WA 98005
James T. Gibbs
April J. Perla
Partners
Westrans Air Express (USA), Inc.
713 South Hindry Avenue
Inglewood, CA 90301
Officer: Anthony Tam, President

Dated: June 24, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-16498 Filed 6-27-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 19, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Claude Williams, Jr.*, Athens, Georgia; to retain 10.92 percent of the voting shares of Georgia National Bancorp, Inc., Athens, Georgia, and thereby indirectly acquire The Georgia National Bank, Athens, Georgia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Paula O. Blackwell*, Piggott, Arkansas; to replace the current sole trustee of the Gaylon M. Lawrence, Jr. Irrevocable Trust, to acquire an additional 24.74 percent, for a total of 100 percent, of the voting shares of Farmers Bancorp, Inc., Blytheville, Arkansas, and thereby indirectly acquire Farmers Bank & Trust Company, Blytheville, Arkansas.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Tommy Mayhew Lovell, Jr.*, Farmersville, Texas; to acquire an additional .67 percent, for a total of 10.40 percent, of the voting shares of Farmersville Bancshares, Inc., Farmersville, Texas, and thereby indirectly acquire First Bank, Farmersville, Texas.

2. *John Gordon Muir, Jr.*, Houston, Texas; to acquire 17.39 percent of the voting shares of Thorndale Bancshares, Inc., Thorndale, Texas, and thereby indirectly acquire Thorndale State Bank, Thorndale, Texas.

Board of Governors of the Federal Reserve System, June 24, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-16549 Filed 6-27-96; 8:45 am]

BILLING CODE 6210-01-F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Union Bancshares Corporation*, Bowling Green, Virginia; to acquire 100 percent of the voting shares of King George State Bank, Inc., King George, Virginia.

2. *Centura Banks, Inc.*, Rocky Mount, North Carolina; to acquire 100 percent of the voting shares of First Community Bank, Gastonia, North Carolina. Comments on this application must be received by July 12, 1996.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens Bancshares, Inc.*, Albion, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Albion, Albion, Illinois.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *R. Banking Limited Partnership*, Oklahoma City, Oklahoma; and its subsidiary BancFirst Corporation, Oklahoma City, Oklahoma, to acquire 50 percent of the voting shares of Commerce Bancorporation, Inc., McLoud, Oklahoma, and thereby indirectly acquire The Bank of Commerce, McLoud, Oklahoma.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *ValliCorp Holdings, Inc.*, Fresno, California; to merge with Auburn Bancorp, Auburn, California, and thereby indirectly acquire The Bank of Commerce, N.A., Auburn, California.

Board of Governors of the Federal Reserve System, June 24, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-16551 Filed 6-27-96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposal to Engage in Permissible Nonbanking Activities.

Norwest Corporation, Minneapolis, Minnesota, has given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 USC 1843(c)(8)) (BHC Act) and section 225.23 of the Board's Regulation Y (12 CFR 225.23), to engage *de novo* through its subsidiary, Information Services, Inc., Des Moines, Iowa, in a joint venture with the Boulder Area Board of Realtors, Inc., Boulder, Colorado, and the Longmont Association of Realtors, Inc., Longmont, Colorado, in providing data processing services for a real estate database (Company). The real estate information services database would include real estate/property records, which identify each parcel of real property for all counties within Colorado, and contain information on the improvements made on the parcel, its current ownership, legal description, tax assessment, and other information. Company also would provide related services by owning and operating an on-line computer system capable of storing data necessary for a public and private real estate/property records database and by retrieving information from the database in an electrical impulse form or hard copy form. Company proposes to conduct these activities throughout Colorado.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto . . ." 12 USC 1843(c)(8). In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the notice, and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, no later than July 17, 1996.

Any request for a hearing on this proposal must, as required by section 262.3(e) of the Boards Rules of Procedure (12 CFR 262.3 (e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. The notice may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, June 24, 1996.

William W. Wiles

Secretary of the Board

[FR Doc. 96-16548 Filed 6-27-96; 8:45am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would

not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 12, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marshall & Illsley Corporation*, Milwaukee, Wisconsin; to acquire EastPoint Technology, Inc., Bedford, New Hampshire, and thereby engage in operating a data processing company, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 24, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-16550 Filed 6-27-96; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Vipin Kumar, Ph.D., California Institute of Technology: Based upon a report forwarded to the Office of Research Integrity (ORI) by the California Institute of Technology (C.I.T.) dated January 10, 1991, as well as information obtained by ORI during its oversight review, ORI found that Vipin Kumar, Ph.D., formerly a scientist at C.I.T., engaged in scientific misconduct in biomedical research supported by Public Health Service (PHS) funds.

Specifically, ORI found that Dr. Kumar committed scientific misconduct by falsifying and/or fabricating Figures 2a and 2b in a scientific paper published in the *Journal of Experimental Medicine*, 170:2183-2188 (1989) (JEM paper). ORI accepted the C.I.T. conclusion that Dr. Kumar "freely admitted" that he mislabeled the lanes

in Figures 2a and 2b, which are labeled to indicate they represent the results of research from different DNA samples when in fact a number of lanes are duplicates. Although Dr. Kumar denies that he intended to deceive anyone, C.I.T. concluded in its Report that the "deliberate presentation of duplications of one experiment which are labeled to indicate they came from separate DNA samples deceives the reader as to the real source of the DNA in the experiment, where the central point of the experiment is the similarity of results among different sources." ORI also accepted the C.I.T. conclusion that Dr. Kumar presented Figure 2c of the JEM paper "in a very misleading fashion." The central observation of the JEM paper is that both alleles of the alpha chain of the T-cell receptor gene are frequently rearranged. This conclusion was based, in part, on Figure 2c, which C.I.T. found had been labeled in a misleading fashion that led the reader to believe that the heavy band at the top of the blot was an 8kb restriction fragment (i.e., representing an internal control) rather than undigested material that failed to enter the gel. Examination of the original film indicates that there was no evidence that the second alpha-chain rearranges in mature T-cells. Thus, ORI further accepted the C.I.T. conclusion that Figure 2 was intentionally falsified and/or fabricated and that, as a result, "one of the main scientific results of this paper was not substantiated by the original data."

In addition, ORI found that Dr. Kumar committed scientific misconduct by falsifying and/or fabricating Figure 5b of a manuscript that was submitted for publication to the journal *Cell* (*Cell* manuscript), but was later withdrawn. ORI accepted the C.I.T. conclusion that lanes 6, 7 and 8 of Figure 5b are the same as lanes 11, 12 and 13, respectively, even though they are labeled as being from different samples. ORI also accepted the C.I.T. conclusion that Dr. Kumar made a number of other materially misleading statements in the *Cell* manuscript that were not supported by the primary data. For example, C.I.T. concluded that Dr. Kumar made a number of materially misleading statements about the age of mice and the timing of the injection of peptides into these mice in a paper published in the *Proceedings of the National Academy of Sciences*, 87:1337-1341 (1990) (PNAS paper). This information is material because induction of the disease studied (i.e., allergic encephalomyelitis) is dependent upon the age of the mice.

Based upon the findings of scientific misconduct in the C.I.T. Report, the JEM

and PNAS papers were retracted prior to ORI's findings in this case.

ORI and Dr. Kumar agreed to resolve the case through a negotiated settlement and limited voluntary exclusion agreement (Agreement), which the parties agreed shall not be construed as an admission of liability or wrongdoing on the part of the Dr. Kumar. Dr. Kumar plans to submit a letter to ORI in which he summarizes his response to ORI's findings. Dr. Kumar has agreed to exclude himself voluntarily from serving in any advisory capacity to the PHS, including service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three years. Dr. Kumar has also agreed to exclude himself voluntarily, for a period of eighteen (18) months from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g. grants and cooperative agreements) of the United States Government. However, this provision will not apply to a currently pending PHS grant application involving Dr. Kumar.

In addition, any institution that uses Dr. Kumar in any capacity on PHS supported research must concurrently submit a plan for supervision of Dr. Kumar's duties, designed to ensure the scientific integrity of Dr. Kumar's research, for a period of three (3) years. Similarly, any institution employing Dr. Kumar must submit, in conjunction with each application for PHS funds or report of PHS funded research in which Dr. Kumar is involved, a certification that the data provided by Dr. Kumar are based on actual experiments or are otherwise legitimately derived and that the data, procedures and methodology are accurately reported in the application or research report, for a period of three (3) years.

FOR FURTHER INFORMATION CONTACT:
Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Dorothy K. Macfarlane,
Acting Director, Office of Research Integrity.
[FR Doc. 96-16561 Filed 6-27-96; 8:45 am]
BILLING CODE 4160-17-P

Agency for Health Care Policy and Research

Notice of Health Care Policy and Research Special Emphasis Panel Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5

U.S.C., Appendix 2) announcement is made of the following special emphasis panel scheduled to meet during the month of August 1996:

Name: Health Care Policy and Research Special Emphasis Panel.

Date and Time: August 1-2, 1996, 8:00 a.m.

Place: Ramada Inn, 1775 Rockville Pike, Conference Room TBA, Rockville, Maryland 20852.

Open August 1, 8:00 a.m. to 8:15 a.m.

Closed for remainder of meeting.

Purpose: This Panel is charged with conducting the initial review of grant applications proposing to conduct research related to patient referrals from primary care to specialty care. Applications were sought for studies that (1) describe how changes in health care organization affect referral practices, and/or (2) measure quality of care, economic and other outcomes resulting from decisions by primary care providers (PCPs) who refer, or do not refer, patients to specialty providers.

Agenda: The open session of the meeting on August 1, from 8:00 a.m. to 8:15 a.m., will be devoted to a business meeting covering administrative matters. During the closed session, the committee will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Karen Rudzinski, Ph.D., Agency for Health Care Policy and Research, Suite 400, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594-1452 x1610.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: June 24, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96-16560 Filed 6-27-96; 8:45 am]

BILLING CODE 4160-90-M

Centers for Disease Control and Prevention

[Announcement 652]

1996 State Pediatric Nutrition Surveillance Systems

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds to support a cooperative agreement program in development of the State Pediatric Nutrition

Surveillance System (PedNSS) to collect, analyze, and disseminate data for children aged 5–17 years who are routinely seen for well-child care in public health clinics.

The CDC is committed to achieving the health promotion and disease prevention objectives of “Healthy People 2000”, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Nutrition and Maternal and Child Health. (For ordering a copy of “Healthy People 2000,” see the section “Where To Obtain Additional Information.”)

Authority

This program is authorized under sections 301(a) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. 241(a) and 42 U.S.C. 247b(k)(2)], as amended.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994 prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are the official public health agencies of States or their bona fide agents. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments.

Eligible applicants must have the ability to collect Statewide data on height, weight, anemia status, and sociodemographic information for at least 5,000 children, aged 5–17 years who receive well-child care in public health clinics. Written documentation must be provided as evidence of this ability (a computerized record layout of these specified data items may be used as evidence).

Availability of Funds

Approximately \$150,000 is available to fund approximately 3 awards. It is expected that the average award will be \$50,000, ranging from \$40,000 to \$60,000. It is expected that the awards will begin on or about September 30, 1996, and will be made for a 12-month

budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory performance and availability of funds.

Purpose

These awards are to assist States to develop and use the PedNSS to collect, analyze, and disseminate data for children aged 5–17 years who are routinely seen for well-child care in public health clinics.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A., and CDC shall be responsible for conducting activities under B.

A. Recipient Activities

1. Develop and use the PedNSS to collect, analyze, and disseminate data for children aged 5–17 years who are routinely seen for well-child care by public health clinics.

2. In accordance with guidelines to be provided by CDC, establish and maintain a data system to collect PedNSS data items including sociodemographic variables (geographic location, ethnicity, race, age), anthropometry (height, weight) and hematology (hematocrit and/or hemoglobin) for children aged 5–17 years who receive well-child care in public health clinics. If available, additional data items related to obesity such as dietary information and physical activity should be included in the database.

3. Develop and carry out procedures to ensure the completeness and quality of the data, including training and data editing.

4. With technical assistance and/or provision of software from CDC, produce data for analysis and generation of reports.

5. Develop and carry out a plan for the analysis, interpretation, and use of surveillance data in appropriate prevention and intervention programs as needed to reduce the prevalence of thinness, overweight, and anemia among older children.

6. Prepare and disseminate surveillance information, through presentation and publication in appropriate forums.

B. CDC Activities

1. Provide standardized data items, code definitions, and methods to collect the desired surveillance information.

2. Provide training in the appropriate skills to collect anthropometric and hematologic data.

3. Provide technical support for mainframe and personal computer software programs available from CDC for data processing and analysis.

4. Assist States with the analyses, interpretation, and use of the surveillance data for program planning and evaluation at the State and local level.

Evaluation Criteria (100 Points)

Applications will be reviewed and evaluated according to the following criteria:

A. Statement of Need (5 Points)

Evidence of the need for data on thinness, overweight, and anemia among older children.

B. Goals and Objectives (5 Points)

The appropriateness of goals, objectives, and whether objectives are specific, measurable, time-phased, and feasible.

C. Operational Plan (45 points)

The adequacy of the plan to develop the PedNSS system:

1. To collect data on children aged 5–17 years, provide additional data items.

2. To design, test, and provide data in a timely manner.

3. To assure completeness and quality of data.

4. To analyze, interpret, and use surveillance data in decision making.

5. To disseminate surveillance findings.

D. Capability (35 Points)

1. The availability of current and historic Statewide data for children aged 5–17 years (such as 100 percent of clinics or service providers of the program).

2. Existing case management system to improve compliance with routine well-child clinic visits.

3. The extent to which key staff have experience with surveillance systems and data analysis and evaluation; and evidence of a strong working relationship with relevant organizational entities is provided.

E. Project Evaluation (10 Points)

The appropriateness of the project evaluation to assess:

1. The completeness and quality of data shared with CDC for analysis.

2. The use of surveillance data for program planning and evaluation.

3. The dissemination of data through presentations and publications.

F. Budget (Not Weighted)

The extent to which the applicant describes the total amount of funds requested in each of the object class categories and clearly links the budget items to objectives and activities proposed for the budget period.

G. Human Subjects: (Not Weighted)

Whether or not exempt from the Department of Health and Human Services (DHHS) regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the Objective Review Group has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal Governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E-18, Atlanta, Georgia 30305, no later than 30 days after the application deadline. The appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application date which would accommodate the 60-day State recommendation process period.

The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to "accommodate or explain" State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to CDC, they should forward them to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E-18, Atlanta, Georgia 30305. This should be done no later than 30 days after the application deadline. The granting agency does not guarantee to "accommodate or explain" for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it. The applicant will be responsible for providing assurance in

accordance with the appropriate guidelines and form provided in the application kit. Should human subjects review be required, the proposed workplan should incorporate timelines for such development and review activities.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161-1 (Revised 7/92, OMB Number 0937-0189) must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E-18, Atlanta, Georgia 30305, on or before July 29, 1996.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Application: Applications that do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, application package, and business management technical assistance may be obtained from Albertha Carey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mail Stop E-18, Atlanta, Georgia 30305, or by telephone on (404) 842-6508; by fax on (404) 842-6513; or by Internet or CDC WONDER electronic mail at <ayc1@opspgo1.em.cdc.gov>.

Technical assistance may be obtained from Diane Clark, Public Health Nutritionist, Division of Nutrition, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), Mail Stop K-25, 4770 Buford Highway, NE., Atlanta, Georgia 30341-3724, or by telephone on (770) 488-4913; by fax on (770) 488-4728; or

by Internet or CDC WONDER electronic mail at <ldc2@ccddn1.em.cdc.gov.

Please refer to Announcement 652 when requesting information and submitting an application.

Potential applicants may obtain a copy of "Healthy People 2000" (Full Report; Stock No. 017-001-00474-0) or "Healthy People 2000" (Summary Report; Stock No. 017-001-00473-1) referenced in the "Introduction" through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325; telephone (202) 512-1800.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 summer Olympics. Therefore, CDC suggests using Internet, following all instructions in this announcement and leaving messages on the contact person's voice mail for more timely responses to any questions.

Dated: June 24, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96-16546 Filed 6-27-96; 8:45 am]

BILLING CODE 4163-18-P

[Announcement Number 645]

Applied Research in Emerging Infections—Tickborne Diseases

Introduction

The Centers for Disease Control and Prevention (CDC) is implementing a program for competitive cooperative agreements and/or research project grants to support applied research on emerging infections. CDC announces the availability of fiscal year (FY) 1996 funds for cooperative agreements and/or research project grants to conduct applied research on domestic tickborne diseases (e.g., ehrlichiosis, babesiosis, Rocky Mountain spotted fever, tularemia, Colorado tick fever, etc.). 1. CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases.

1. Note: An existing CDC cooperative agreement program supports research focusing on Lyme disease caused by *Borrelia burgdorferi*, specifically. Therefore, this new program will not support research projects which focus substantially on classical Lyme disease caused by *B. burgdorferi*.

(For ordering a copy of Healthy People 2000, see the section Where To Obtain Additional Information.)

Authority

This program is authorized under Sections 301 and 317 of the Public Health Service Act, as amended (42 U.S.C. 241 and 247b).

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products, and Public Law 103-227, the Pro-Children's Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day-care, health care and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, nonprofit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, including State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Availability of Funds

Approximately \$300,000 is available in FY 1996 to fund approximately two to four awards. It is expected that approximately two-thirds of the funds will be made available for the first programmatic focus (epidemiologic studies focusing on ehrlichiosis) and one-third for the second (development of improved diagnostic tests for babesiosis). Awards will begin on or about September 30, 1996, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may vary and are subject to change. Continuation awards within an approved project period will be made on the basis of satisfactory progress and availability of funds.

Purpose

The purpose of the emerging infections extramural research program is to provide financial and technical assistance for applied research projects on emerging infections in the United States. As a component of the emerging infections extramural research program, the purpose of this grant/cooperative announcement is to provide assistance for tickborne disease projects addressing

the following two programmatic focus areas:

1. Epidemiologic studies focusing on ehrlichiosis
2. Development and evaluation of improved diagnostic tests for babesiosis.

Applicants may submit separate applications for projects in one or both programmatic areas. See Application Content of the program announcement included in the application kit for detailed application instructions.

Program Requirements

Applicants may apply and receive support for projects under one or both of the two programmatic focus areas. In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under either A.1. or A.2., or both, below; and CDC will be responsible for conducting activities under B., below:

A. Recipient Activities

1. Epidemiologic Studies

Implement an active prospective ehrlichiosis surveillance system in a geographic area where the disease(s) (monocytic or granulocytic) is/are believed to be present, utilizing case finding based on a standardized clinical case definition. Cases should be laboratory confirmed, using standardized methods such as isolation or direct detection of the etiologic agent from clinical specimens by antigen detection or PCR; and/or serology. Laboratory diagnosis should be validated by retesting clinical specimens in a reference laboratory. A population based study in which incidence can be calculated and that simultaneously captures incident cases of babesiosis in the same location is most desirable.

2. Development and Evaluation of Improved Diagnostic Tests for Babesiosis:

a. Develop and evaluate improved laboratory methods for the diagnosis of babesiosis, which may include methods for antibody or antigen detection, molecular techniques, and isolation of the parasite from clinical specimens. Consider such characteristics of the test as sensitivity (e.g., ability to detect subpotent infection), specificity (e.g., ability to distinguish *Babesia* infection from other infections and conditions, ability to distinguish persistent from remote *Babesia* infection, genus- vs. species-level specificity), and ease of automation.

b. As part of certain projects and as appropriate, obtain and provide such

materials as isolates; human serum, whole blood, and other fluids and tissues; and diagnostic test reagents to a national reference laboratory (e.g., for development of a reference collection of specimens).

B. CDC Activities

1. Research Project Grants

A research project grant is one in which substantial programmatic involvement by CDC is not anticipated by the recipient during the project period. Applicants for grants must demonstrate an ability to conduct the proposed research with minimal assistance, other than financial support, from CDC. This would include possessing sufficient resources for clinical, laboratory, and data management services and a level of scientific expertise to achieve the objectives described in their research proposal without substantial technical assistance from CDC.

2. Cooperative Agreements

A cooperative agreement implies that CDC will assist recipients in conducting the proposed research. The application should be presented in a manner that demonstrates the applicant's ability to address the research problem in a collaborative manner with CDC. In addition to the financial support provided, CDC will collaborate by: (a) Providing technical assistance in the design and conduct of the research; (b) performing selected laboratory tests as appropriate; (c) participate in data management, the analysis of research data, and the interpretation and presentation of research findings; and (d) provide biological materials (e.g., strains) as necessary for studies, etc.

3. Determination of Which Instrument to Use

Applicants must specify the type of award for which they are applying, either grant or cooperative agreement. The funding agency will review the applications in accordance with the evaluation criteria. Before issuing awards, CDC will determine whether a grant or cooperative agreement is the appropriate instrument based upon the need for substantial CDC involvement in the project.

Evaluation Criteria

The applications will be reviewed and evaluated according to the following criteria:

1. Background and Need (20 Points)

Extent to which applicant's discussion of the background for the proposed project demonstrates a clear

understanding of the purpose and objectives of this grant/cooperative agreement program. Extent to which applicant illustrates and justifies the need for the proposed project that is consistent with the purpose and objectives of this grant/cooperative agreement program.

2. Capacity (40 Points Total)

a. Extent to which applicant describes adequate resources and facilities (both technical and administrative) for conducting the project. (10 points)

b. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research related to that proposed as evidenced by curriculum vitae, publications, etc. (20 points)

c. Extent to which applicant includes letters of support from non-applicant organizations, individuals, etc. Extent to which the letters clearly indicate the author's commitment to participate as described in the operational plan. (10 points)

3. Objectives and Technical Approach (40 Points Total)

a. Extent to which applicant describes objectives of the proposed project which are consistent with the purpose and goals of this grant/cooperative agreement program and which are measurable and time-phased. (10 points)

b. Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities for the specific programmatic focus area being addressed in the application. Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the plan is adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. (15 points)

c. Extent to which applicant describes adequate and appropriate collaboration with CDC and/or others during various phases of the project. (10 points)

d. Extent to which applicant provides a detailed and adequate plan for evaluating study results and for evaluating progress toward achieving project objectives. If the proposed project involves notifiable conditions, the degree to which applicant describes an adequate process for providing

necessary information to appropriate State and/or local health departments. (5 points)

4. Budget (Not Scored)

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of grant/cooperative agreement funds.

5. Human Subjects (Not Scored)

If the proposed project involves human subjects, whether or not exempt from the Department of Health and Human Services (DHHS) regulations, the extent to which adequate procedures are described for the protection of human subjects. Note: Objective Review Group (ORG) recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the ORG has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable, and (5) protections appear adequate that women, racial and ethnic minority populations are appropriately represented in applications involving human research.

Executive Order 12372 Review

This program is not subject to Executive Order 12372 Review.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

a. A copy of the face page of the application (SF 424).

b. A summary of the project that should be titled "Public Health System Impact Statement" (PHSIS), not exceed one page, and include the following:

(1) A description of the population to be served;

(2) A summary of the services to be provided;

(3) A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by the grant/cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and form provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If the American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic

minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947-47951, dated Friday, September 15, 1995.

Animal Subjects

If the proposed project involves research on animal subjects, the applicant must comply with the "PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions." An applicant organization proposing to use vertebrate animals in PHS-supported activities must file an Animal Welfare Assurance with the Office for Protection from Research Risks at the National Institutes of Health.

Application Submission and Deadline

The original and two copies of each application PHS Form 5161-1 (revised 7/92, OMB Number 0937-0189) must be submitted to Sharron Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E-18, Atlanta, Georgia 30305, on or before August 12, 1996.

1. **Deadline:** Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. **Late Applications:** Applications which do not meet the criteria in 1. a. or 1. b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. An application package and business management and technical

assistance may be obtained from Locke Thompson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E-18, Room 300, Atlanta, Georgia 30305, telephone (404) 842-6595, or through the Internet or CDC Wonder electronic mail at: lxt1@opspgo1.em.cdc.gov.

Programmatic technical assistance may be obtained from the following persons: For epidemiologic studies, James G. Olson, Ph.D., National Center for Infectious Diseases, Division of Viral and Rickettsial Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop G-13, Atlanta, Georgia 30333, telephone (404) 639-1075. For babesia diagnostics: Barbara Herwaldt, M.D., Division of Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop F-22, Atlanta, Georgia 30333, telephone (770) 488-7772.

Please refer to Announcement Number 645 when requesting information regarding this program.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 512-1800.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggests using the Internet, following all instructions in this announcement and leaving messages on the contact person voice mail for more timely responses to any questions.

Dated: June 24, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96-16547 Filed 6-27-96; 8:45 am]

BILLING CODE 4163-18-P

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State JOBS plan (ACF-106).
OMB No.: 0970-0108.

Description: The State JOBS plans are statutorily mandated and serve as the agreement between the State and the Federal government for how JOBS programs will operate. The State plans provide assurances that the JOBS program will be administered and

operated in conformity with title IV-A and IV-F of the Social Security Act, pertinent Federal regulations, and other applicable instructions or guidelines issued by ACF. This new State JOBS plan section is being added in response to the President's recent directive

requiring States to address the needs of teen parents so that they stay in school and become self-sufficient.

Respondents: State governments.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF-106	54	1	223	12,042

Estimated Total Annual Burden Hours: 12,042.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have

practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 25, 1996.

Larry Guerrero,

Director, Office of Information Services.

[FR Doc. 96-16570 Filed 6-27-96; 8:45 am]

BILLING CODE 4184-01-M

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Tribal JOBS Plan (ACF-117, ACF-116).

OMB No.: 0970-0117.

Description: The Tribal JOBS plans are statutorily mandated and serve as the agreement between the Tribal grantee and the Federal government for how JOBS programs will operate. The Tribal plans provide assurances that the JOBS program will be administered and operated in conformity with titles IV-A and IV-F of the Social Security Act, pertinent Federal regulations, and other applicable instructions or guidelines issued by ACF. This new Tribal JOBS plan section is being added in response to the President's recent directive requiring Tribal Grantees to address the needs of teen parents so that they stay in school and become self-sufficient.

Respondents: State governments.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Sec. 3.6	76	1	45.05	3,424

Estimated Total Annual Burden Hours: 3,424.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 25, 1996.

Larry Guerrero,

Director, Office of Information Services.

[FR Doc. 96-16571 Filed 6-27-96; 8:45 am]

BILLING CODE 4184-01-M

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

Title: Request for Emergency OMB Approval of Information Collection Under the Paperwork Reduction Act.

OMB No.: New.

Description: The Office of Child Support Enforcement (OCSE) plans to conduct a pilot project through the Federal Parent Locator Services (FPLS)

which would build a temporary database of information collected by States on newly hired employees for matching activities with cases in locate status within the FPLS and cases certified for Federal tax refund offset. This collection responds to President Clinton's June 18, 1996, executive action on welfare reform announcing a new pilot program that will help track those parents who cross state lines to avoid their child support obligation.

Under the pilot, States which currently have new hire reporting programs in place would voluntarily send their existing record data via computer tape, formatted according to either the State's or Administration for Children and Families's (ACF) specifications, to the Federal Parent Locate Service within OCSE. These records will be stored in a temporary database to be matched against case data in the FPLS, and the Tax Refund Offset System (TROS).

When a match is made, the ACF Office will contact the absent parent's current state of residence where a match was found so that the state child support agency can take appropriate action. In turn, States will be asked to submit periodic tracking and reporting information on the success of the pilot matching.

Respondents: State governments.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Standard Forms	25	1	8	200

Estimated Total Annual Burden Hours: 200.

Explanation

- The specific number of estimated annual burden hours per State will vary depending on individual circumstances, including systems development effort and number of records.

- Burden hours for employees and employers are not considered as part of this request. Most of the information has been collected from employees and employers under the IRS new hire, Form W-4 (OMB Control No. 1545-0010), and/or comparable State forms. In addition, ACF will not collect any more information from employers or employees under this pilot project than what States have already collected.

Additional Information

ACF is requesting that OMB grant a 90 day approval for this information collection under procedures for emergency processing by July 11, 1996. A copy of this information collection, with applicable supporting documentation, may be obtained by calling the Administration for Children and Families, Reports Clearance Officer, Bob Sargis at (202) 401-6465.

Comments and questions about the information collection described above should be directed to Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project, 725 17th Street N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor, (202) 395-7316.

Dated: June 24, 1996.

Larry Guerrero,
Director, Office of Information Management Services.

[FR Doc. 96-16569 Filed 6-27-96; 8:45 am]

BILLING CODE 4184-01-M

Health Care Financing Administration [HCFA-2744, HCFA-2746]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* End Stage Renal Disease Medical Information System ESRD Facility Survey; *Form No.:* HCFA-2744; *Use:* The ESRD Facility Survey form is completed annually by Medicare approved providers of dialysis and transplant services. The HCFA-2744 is designed to collect information concerning treatment trends, utilization of services and patterns of practice in treating ESRD patients. *Frequency:* Annually; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:*

3,200; *Total Annual Responses:* 3,200; *Total Annual Hours Requested:* 25,600.

2. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* End Stage Renal Disease Death Notification; *Form No.:* HCFA-2746; *Use:* The form is completed by all Medicare approved ESRD facilities upon the death of an ESRD patient. Its primary purpose is to collect fact and cause of death. Reports of deaths are used to show cause of death and demographic characteristics of these patients. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions and Federal Government; *Number of Respondents:* 2,900; *Total Annual Responses:* 40,600; *Total Annual Hours Requested:* 6,902.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 20, 1996.

Kathleen B. Larson,
Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96-16604 Filed 6-27-96; 8:45 am]

BILLING CODE 4120-03-P

National Institutes of Health**National Cancer Institute:
Opportunities for Cooperative
Research and Development
Agreements (CRADA) for the
Development of Green Fluorescent
Protein (GFP) Technology Applications**

Currently the National Cancer Institute (NCI) has identified at least five applications for this technology; GFP research products, gene therapy gene expression, analysis, diagnostics, and drug screening. The NCI is looking for multiple CRADA Collaborators to develop independently different aspects of the GFP technology.

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. 3710; Executive Order 12591 of April 10, 1987 as amended by the National Technology Transfer and Advancement Act of 1995), the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks Cooperative Research and Development Agreements (CRADA) with pharmaceutical or biotechnology companies to develop application of GFP. Any CRADA for the biomedical use of this technology will be considered. The CRADAs would have an expected duration of one (1) to five (5) years. The goals of the CRADAs include the rapid publication of research results and their timely commercialization of products, diagnostics and treatments that result from the research. The CRADA Collaborators will have an option to negotiate the terms of an exclusive or nonexclusive commercialization license to subject inventions arising under the CRADAs.

ADDRESSES: Proposals and questions about these CRADA opportunities may be addressed to Steven P. Marquis, Office of Technology Development, National Cancer Institute-Frederick Cancer Research and Development Center, P.O. Box B, Frederic, MD 21702-1201, Telephone: (301) 846-5465, Facsimile: (301) 846-6820. Background information, including abstracts and reprints, is available. In addition, pertinent information not yet publicly disclosed may be obtained under a confidential disclosure agreement.

Requests for license application form, or other questions and comments concerning the licensing of this

technology should be directed to Steven M. Ferguson, Acting Chief, Infectious Disease Branch, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804, Telephone: (301) 496-7735 ext. 266, Facsimile: (301) 402-0220. A signed confidentiality agreement will be required to receive confidential information.

EFFECTIVE DATE: In view of the high interest for developing GFP for applications and diagnostics, interested parties should notify the NCI Office of Technology Development in writing no later than thirty (30) days from the date of this announcement. Respondents will then be provided an additional thirty (30) days for submitting formal CRADA proposals.

SUPPLEMENTARY INFORMATION: The Green Fluorescent Protein (GFP) from the jellyfish *Aequorea Victoria* is rapidly becoming an important reporter molecule for monitoring gene expression in vivo, in situ and in real time GFP emits a green light when excited with UV light. Unlike other bioluminescent reporters, GFP fluoresces in the absence of any other proteins, substrates, or cofactors. Currently there are several improved mutations of the GFP, which allow for sufficient detection of gene expression in various species cells. However, the current technology, in contrast to the wild type protein or other reported mutants allows detection of green fluorescence in living mammalian cells when present in few copies stably integrated into the genome. The current mutation increases the intensity of the fluorescent signal by more than tenfold over that of the wild type protein, which provide a fluorescence signal visible in mammalian cells.

A U.S. Patent Application has been filed for this technology by the DHHS and is currently pending. Parties interested in submitting a CRADA proposal should be aware that it may be necessary to secure a license to this patent application in order to commercialize products arising from the CRADA.

The role of the National Cancer Institute in this CRADA will include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.
2. Planning research studies and interpreting research results.
3. Contracting, as needed, support services at the NCI-FCRDC such as antigen and antibody production.
4. Publishing research results.

The role of the CRADA Collaborator may include, but not limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.
2. Planning research studies and interpreting research results.
3. Providing support for ongoing CRADA-related research in the development of the particular application of GFP technology.
- (a) Financial support to facilitate scientific goals;
- (b) Technical or financial support for further design of applications.
4. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include, but not to be limited to:

1. The ability to collaborate with NCI on further research and development of this technology. This ability can be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.
2. The demonstration of adequate resources to perform the research, development and commercialization of this technology (e.g. facilities, personnel and expertise) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.
3. The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology.
4. The demonstration of expertise in the commercial development, production, marketing and sales of products related to this area of technology.

5. The level of financial support the CRADA Collaborator will provide for CRADA-related Government activities.

6. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

7. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

8. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the equitable distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purpose to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or

nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: June 18, 1996.

Thomas D. Mays,

*Director, Office of Technology Development,
National Cancer Institute, National Institutes
of Health.*

[FR Doc. 96-16493 Filed 6-27-96; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institutes; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Cancer Institute Initial Review Group:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: Subcommittee D—Clinical Studies Subcommittee.

Dates: July 29-30, 1996.

Time: 8 a.m.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: John W. Abrell, Ph.D., 6130 Executive Blvd., Room 635B, Bethesda, MD 20892, Telephone: 301-496-9767.

Committee Name: Subcommittee E—Prevention and Control Subcommittee.

Date: July 30, 1996.

Time: 9 a.m.

Place: Hyatt Regency Hotel, One Bethesda Metro, Bethesda, MD 20852.

Contact Person: Sally A. Mulhern, Ph.D., 6130 Executive Blvd., Room 643G, Bethesda, MD 20892, Telephone: 301-496-7413.

Committee Name: Subcommittee C—Basic and Preclinical Sciences Subcommittee.

Dates: July 31–August 2, 1996.

Time: July 31–7:30 p.m.—August 1–2–8 a.m.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, D.C. 20007.

Contact Person: Virginia P. Wray, Ph.D., 6130 Executive Blvd., Room 635, Bethesda, MD 20892, Telephone: 301-496-9236.

Committee Name: Subcommittee A—Cancer Centers Subcommittee.

Dates: August 1–2, 1996.

Time: 8 a.m.

Place: The Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David E. Maslow, Ph.D., 6130 Executive Blvd., Room 643A, Bethesda, MD 20892, Telephone: 301-496-2330.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: June 21, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96-16492 Filed 6-27-96; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Dental Research; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Dental Research Special Emphasis Panel (SEP) meetings:

Name of SEP: National Institute of Dental Research Special Emphasis Panel—Review of RFP No. NLM 96-100/MLM (96-35).

Dates: July 15-16, 1996.

Time: 8:00 a.m.

Place: Holiday Inn/Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel—Project Site Visit (96-30).

Dates: July 18-19, 1996.

Time: 8:00 a.m.

Place: San Francisco Downtown Marriott, 55 Fourth Street, San Francisco, CA 94103.

Contact Person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel—Review of R44's (96-28)

Dates: July 30, 1996.

Time: 12:00 Noon.

Place: National Institutes of Health, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (Teleconference).

Contact person: Dr. George Hausch, Chief, Grants Review Section, 4500 Center Drive, Natcher Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Health Research Special Emphasis Panel—Review of RFA DE-96-003 (96-31).

Dates: August 5-6, 1996.

Time: 8:00 a.m.

Place: Cross Keys Inn, 5100 Falls Road, Baltimore, MD 21210.

Contact person: Dr. Yong Shin, Grants Review Section, 4500 Center Drive, Natcher

Building, Room 4AN-44F, Bethesda, MD 20892, (301) 594-2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: June 21, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96-16491 Filed 6-27-96; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-3454-N-02]

Office of the Assistant Secretary for Housing-Federal Housing Commissioner; Capital Improvement Loans Under the Flexible Subsidy Program Awarded as Incentives Pursuant to Preservation Plans of Action, Announcement of Funding Awards; Fiscal Year 1993

AGENCY: Office of the Assistant Secretary for Housing - Federal Housing Commissioner, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding awards made by the Department for funding under a Federal Register Notice of Funding Availability (NOFA) for the Capital Improvement Loan Program. This announcement contains the names and addresses of the awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Ruth Coward, Program Support Division, Office of Multifamily Asset Management and Disposition, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-2654. (This is not a toll-free number.) Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service TTY at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Flexible Subsidy Program is authorized

by Sec. 201, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Fiscal Year 1993 funds were announced in a Federal Register NOFA published on June 3, 1993 (58 FR 32424). The NOFA announced the availability of \$18 million for Flexible

Subsidy Capital Improvement to support preservation efforts to insure projects are eligible to receive incentives in exchange for extending the low- to moderate-income use of the projects.

In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989), the Department is

hereby publishing the names and addresses of the awardees that received funding under the NOFA, and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: June 21, 1996.
Nicolas P. Retsinas,
Assistant Secretary for Housing-Federal Housing Commissioner.

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY (CAPITAL IMPROVEMENT) FUNDED PURSUANT TO THE FY 1993 PRESERVATION NOFA

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
Region: 09: 121-55010	Glenridge Apartments, San Francisco, CA.	Glenridge Apt Res Cncl, San Francisco, CA.	Capital Improvement, \$4,958,389.

[FR Doc. 96-16528 Filed 6-27-96; 8:45 am]
BILLING CODE 4210-27-P

[Docket No. FR-3681-N-02]

Office of the Assistant Secretary for Housing-Federal Housing Commissioner; Capital Improvement Loans Under the Flexible Subsidy Program Awarded as Incentives Pursuant to Preservation Plans of Action, Announcement of Funding Awards; Fiscal Year 1994

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding awards made by the Department for funding under a Federal Register Notice of

Funding Availability (NOFA) for the Capital Improvement Loan Program. This announcement contains the names and addresses of the awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Ruth Coward, Program Support Division, Office of Multifamily Asset Management and Disposition, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-2654. (This is not a toll-free number.) Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service TTY at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Flexible Subsidy Program is authorized by Sec. 201, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Fiscal Year 1994 funds were announced in a Federal Register NOFA published on June 17, 1994 (59 FR

31454). The NOFA announced the availability of \$30 million for Flexible Subsidy Capital Improvement to insure projects that are eligible under the Emergency Low-Income Housing Preservation Act to receive incentives in exchange for extending the low- to moderate-income use of the projects under plans of action approved in accordance with 24 CFR part 248, subpart C.

In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989), the Department is hereby publishing the names and addresses of the awardees that received funding under the NOFA, and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: June 21, 1996.
Nicolas P. Retsinas,
Assistant Secretary for Housing-Federal Housing Commissioner.

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY PROJECTS FUNDED PURSUANT TO THE FY 1994 PRESERVATION NOFA

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
REGION: 01: 017-55069	GRAHAM VILLAGE, TORRINGTON, CT.	GRAHAM VILLAGE ASSOC., MANCHESTER, CT.	CAPITAL IMPROVEMENT, \$2,225,435.
023-44025	ALLEN PARK II, SPRINGFIELD, MA ...	FIRST HARTFORD, MANCHESTER, CT.	CAPITAL IMPROVEMENT, 1,448,069.
023-55065	ALLEN PARK I, SPRINGFIELD, MA	FIRST HARTFORD, MANCHESTER, CT.	CAPITAL IMPROVEMENT, 1,872,888.
REGION: 05: 071-55109	LAKEVIEW TOWERS, CHICAGO, IL ...	KRUPP REALTY COMPANY, ROSEMONT, IL.	CAPITAL IMPROVEMENT, 450,000.
REGION: 06: 115-55011	OAK MANOR APARTMENTS, SAN ANTONIO, TX.	WEDGE MANAGEMENT, INC., SAN ANTONIO, TX.	CAPITAL IMPROVEMENT, 2,245,022.
115-55021	OAK VILLAGE APARTMENTS, SAN ANTONIO, TX.	WEDGE MANAGEMENT, INC., SAN ANTONIO, TX.	CAPITAL IMPROVEMENT, 3,114,788.
REGION: 09:			

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY PROJECTS FUNDED PURSUANT TO THE FY 1994 PRESERVATION NOFA—
Continued

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
122-55074	MISSION PLAZA APTS, LOS ANGELES, CA.	SK MANAGEMENT COMPANY, LOS ANGELES, CA.	CAPITAL IMPROVEMENT, 2,340,649.

[FR Doc. 96-16531 Filed 6-27-96; 8:45 am]
BILLING CODE 4210-27-P

[Docket No. FR-3601-N-02]

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Operating Assistance and Capital Improvement Loan Components of the Flexible Subsidy Program; Announcement of Funding Awards, Fiscal Year 1994

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding awards made by the Department for funding under a Federal Register Notice of

Funding Availability (NOFA) for the Flexible Subsidy Capital Improvement Program. This announcement contains the names and addresses of the awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT:

Ruth Coward, Program Support Division, Office of Multifamily Asset Management and Disposition, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2654. (This is not a toll-free number.) Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service TTY at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Flexible Subsidy Program is authorized by Sec. 201, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Fiscal Year 1994 funds were announced in a Federal Register NOFA

published on January 13, 1994 (59 FR 2270). The notice announced the availability of \$101 million for Flexible Subsidy Capital Improvement funding to insured projects that are eligible for extending the low- to moderate-income use of the projects under plans of action approved in accordance with 24 CFR part 248.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989), the Department is hereby publishing the names and addresses of the awardees that received funding under the NOFA, and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: June 21, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY PROJECTS FUNDED PURSUANT TO THE FY 1994 NOFA

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
Region: 01			
016-SH001 ...	United Methodist Ret Ctr, East Providence, RI.	United Methodist Ret Ctr, East Providence, RI.	Operating Assistance 529,875.
016-SH001 ...	United Methodist Ret Ctr, East Providence, RI.	United Methodist Ret Ctr, East Providence, RI.	Capital Improvement 386,000.
023-44109	Cochituate Homes, Framingham, MA	Cochituate Homes I, Framingham, MA ...	Operating Assistance 2,026,837.
023-55165	Danube Apartments, Dorchester, MA	Danube Associates, Boston, MA	Operating Assistance 955,903.
023-NI-040	Crawford House Apts, Roxbury, MA	Crawford House Limited, Boston, MA	Operating Assistance 121,855.
023-NI-054	Brayton Hill, North Adams, MA	Hoosac River Limited, Boston, MA	Operating Assistance 180,000.
023-NI-071	Cleaves Court, Roxbury, MA	Cleaves Court Limited, Roxbury, MA	Operating Assistance 207,292.
023-NI-115	Orchard Hill Estates, Oxford, MA	Orchard Hill Associates, Boston, MA	Operating Assistance 2,900,000.
023-NI-122	King's Landing, Brewster, MA	King's Landing Company, Boston, MA	Operating Assistance 690,000.
Region: 02			
012-44091	Boston Road, Bronx, NY	Urban Home Ownersh, New York, NY	Capital Improvement 442,725.
012-55004	Mount St. James Apts., Syracuse, NY	Mt St James Hsg De, Syracuse, NY	Operating Assistance 2,608,900.
013-44008	Syr-Hab Apartments, Syracuse, NY	Syr-Hab Hsg Fund, Syracuse, NY	Capital Improvement 371,844.
031-44078	Welcome Home Baptist Apt, Jersey City, NJ.	Realty Management Assoc., Herndon, VA.	Operating Assistance 130,504.
035-44802	Acacia Lumberton Manor, Lumberton, NJ	Acacia-Lumberton M, Burlington, NJ	Operating Assistance 335,000.
035-SH016 ...	Best of Life Apartments, Atlantic City, NJ	Best of Life Inc, Atlantic City, NJ	Operating Assistance 990,000.
Region: 03			
000-44061	Pendleton Park, Alexandria, VA	Third Baptist Housing, Alexandria, VA ...	Operating Assistance 38,815.
000-44061	Pendleton Park, Alexandria, VA	Third Baptist Housing, Alexandria, VA ...	Capital Improvement 149,581.
034-44147	Mount Vernon Manor, Philadelphia, PA	Mt Vernon Manor in, Philadelphia, PA	Operating Assistance 235,000.
034-55027	Baynton Manor Apartments, Philadelphia, PA.	Phil Hsg Dev Corporation, Philadelphia, PA.	Operating Assistance 75,730.

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY PROJECTS FUNDED PURSUANT TO THE FY 1994 NOFA—Continued

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
051-35218	New Harvie Road Apts, Mechanicsville, VA.	New Harvie Rd Limited, Portsmouth, VA	Operating Assistance 56,647.
051-44224	Petersburg East I, Petersburg, VA	Natl Pshp Inv Corp, Beverly Hills, CA	Capital Improvement 128,510.
051-44234	Petersburg East II, Petersburg, VA	Natl Pshp Inv Corp, Beverly Hills, CA	Capital Improvement 85,673.
051-44236	Oakland Mutual Twnhomes, Richmond, VA.	Newport News Asso, Atlantic City, NJ	Operating Assistance 1,081,580.
051-55002	Woodsong Apartments I, Newport News, VA.	Woodsong Chantilly I Ltd, Greenville, SC	Operating Assistance 387,000.
051-55009	Ebenezer Plaza, Portsmouth, VA	Ebenezer Plaza NP Corp, Portsmouth, VA.	Operating Assistance 212,526.
051-55015	Woodsong Apartments II, Newport News, VA.	Woodsong Chantilly II Ltd, Greenville, SC.	Operating Assistance 513,000
Region: 04			
053-44135	Alpha Arms Apartments, Goldsboro, NC	Alpha Arms Apts, In, Goldsboro, NC	Operating Assistance 531,942.
061-35005	Mt. Zion Garden Apts, Albany, GA	Mt. Zion Gardens, Albany, GA	Operating Assistance 1,318,000.
061-44150	Mt. Zion Apartments, Augusta, GA	Floyd Green, Jr., Memphis, TN	Operating Assistance 609,755.
061-44207	Clairmont Oaks, Decatur, GA	Clairmont Oaks, Inc, Decatur, GA	Operating Assistance 3,172,069.
066-44071	Holiday Lake Apts, Pompano Beach, FL	Holiday Lake Ltd Partns, Dallas, TX	Operating Assistance 856,425.
067-44813	CTA River Apartments, Tampa, FL	CTA River Apartmen, Tampa, FL	Operating Assistance 2,724,400.
083-35044	Riverside Apartments, Booneville, KY	Owsley Co Hsg, Booneville, KY	Capital Improvement 110,000.
083-44016	Westminister Village, Lexington, KY	Presbyt Hsg, Lexington, KY	Operating Assistance 1,686,214.
083-44055	Lakeside Manor Apts, Lexington, KY	Presbyt Hsg Corp, Lexington, KY	Capital Improvement 305,533.
083-44805	Baptist Towers, Louisville, KY	Baptist Towers, Inc, Louisville, KY	Operating Assistance 1,341,401.
086-55001	CWA I Apartments, Nashville, TN	R. A. Werner, Nashville, TN	Operating Assistance 3,508,629.
086-55001	CWA I Apartments, Nashville, TN	R. A. Werner, Nashville, TN	Capital Improvement 762,237.
Region: 05			
042-35121	Emeritus House, Cleveland, OH	Phillis Wheatley, Cleveland, OH	Operating Assistance 427,243.
043-44065	Crossroads Apartments, Columbus, OH	Tuskegee Alumni Hou, Columbus, OH	Operating Assistance 1,431,652.
044-35318	Sycamore Glade, Pontiac, MI	Herbert Chernick, Southfield, MI	Operating Assistance 1,023,413.
044-44057	Southwicke Square Coop, Trenton, MI ...	Southwicke Sq Coop, Trenton, MI	Operating Assistance 2,019,155.
044-44122	Glen Oaks Coop, Ypsilanti, MI	James Anderson, Ypsilanti, MI	Operating Assistance 450,155.
044-55086	Fountain Court Coop, Detroit, MI	Fountain Crt Coop, Detroit, MI	Operating Assistance 1,804,605.
044-55190	Hickory Hollow Coop, Wayne, MI	Hickory Hollow, Wayne, MI	Operating Assistance 2,586,000.
044-SH032 ...	Bishop Coop Apartments, Wyandotte, MI	Cooperative Services, Inc, Wyandotte, MI.	Capital Improvement 2,559,825.
046-35219	Oak Park Apartments, Cincinnati, OH	Mt. Moriah Development, Lincoln Heights, OH.	Operating Assistance 588,420.
046-35344	Hillside Apartments, Cincinnati, OH	Mt Auburn Good Hsg, Cincinnati, OH	Operating Assistance 275,171.
046-44061	Union Baptist Hi-rise, Cincinnati, OH	Union Baptist Pion, Cincinnati, OH	Operating Assistance 894,648.
046-44085	Northlake Hills I & II, Dayton, OH	Devora Jenkins, Dayton, OH	Operating Assistance 1,554,551.
046-44141	Centennial Estates Coop, Lincoln Heights, OH.	Centennial Estates Coop, Lincoln Heights, OH.	Operating Assistance 1,265,197.
047-35009	Little Blue Lake Coop, Twin Lake, MI	Rosie Lee Furlough, Twin Lake, MI	Operating Assistance 268,140.
071-44068	Marian Park Apartments, Wheaton, IL	Marian Park, Inc, Wheaton, IL	Capital Improvement 1,801,351.
071-55196	Ogden Corners, Chicago, IL	Lincoln Park Renewal, Chicago, IL	Operating Assistance 1,436,445.
073-44057	Park Square Coop, Bloomington, IN	Park Sq Coop, Bloomington, IN	Operating Assistance 2,996,121.
075-35071	Oakwood Haven, Crivitz, WI	Crivitz Np Hsg Cor, Oconto, WI	Operating Assistance 20,208.
075-35072	Coleman Manor, Coleman, WI	Coleman Manor Inc, Oconto, WI	Operating Assistance 21,208.
075-35073	Laona Manor, Laona, WI	Laona Np Hsg Corp, Oconto, WI	Operating Assistance 22,800.
075-35078	Goodman Homes, Goodman, WI	Goodman Homes Corp, Oconto, WI	Operating Assistance 20,916.
075-35081	Lena Plaza, Oconto, WI	Lena Np Hsg Corp, Oconto, WI	Operating Assistance 17,082.
075-44039	Cumberland Court, Oshkosh, WI	Cumberland Court A, Oshkosh, WI	Operating Assistance 868,100.
Region: 06			
059-35038	Lakeside Gardens Apts, Shreveport, LA	Lakeside Gardens, Inc, Shreveport, LA	Operating Assistance 1,596,500.
059-35051	Starr Lodge Apartments, Talullah, LA	Starr Lodge Apts—Tallulah, LA	Operating Assistance 1,100,100.
059-35070	Madison Community Apts, Talullah, LA	Madison Community, Tallulah, LA	Operating Assistance 610,798.
082-35005	Southeast Apartments, Pine Bluff, AR	Jefferson Apt Co Lp, Pine Bluff, AR	Capital Improvement 247,500.
113-SH010 ...	Rio Concho Manor Apts, San Angelo, TX	Rio Concho Manor Ltd, San Angelo, TX	Capital Improvement 382,849.
114-35041	Gulf Coast Arms Apts, Houston, TX	Gulf Coast Arms Ch Trust, Houston, TX	Operating Assistance 341,599.
114-35046	Settegast Heights Apts, Houston, TX	W P Buckner Jr., Houston, TX	Operating Assistance 863,990.
115-55008	Crystal City Apartments, Crystal City, TX	City of Crystal Ci, Crystal City, TX	Operating Assistance 510,078.

APPENDIX A.—LIST OF FLEXIBLE SUBSIDY PROJECTS FUNDED PURSUANT TO THE FY 1994 NOFA—Continued

FHA No.	Project name/location	Owner's name/location	Program/amount awarded
Region: 07			
084-44028	Cloverleaf Manor, Kansas City, MO	Churchill Prop, Kansas City, MO	Operating Assistance 411,808.
084-44119	Parvin Estates, Kansas City, MO	Shawmet Homes Inc, Kansas City, MO	Operating Assistance 2,866,100.
084-55031	Valley View Apartments, Kansas City, MO.	Valley View Hsg Corp, Kansas City, MO	Operating Assistance 286,882.
084-SH007 ...	Paraclete Manor, Kansas City, MO	Kansas City Baptist, Kansas City, MO	Operating Assistance 499,800.
102-44001	Terrace Hills Apartments, Atchison, KS	Terrance Hills Apts Lp, Atchison, KS	Operating Assistance 1,203,507.
102-44071	Lakewood Townhouses, Salina, KS	Lakewood Townhouse, Topeka, KS	Capital Improvement 90,000.
Region: 08			
091-35059	Lakota Comm Homes II, Rapid City, SD	Linda Salway, Rapid City, SD	Operating Assistance 1,597,680.
091-35106	Lakota Comm Homes III, Rapid City, SD	Linda Salway, Rapid City, SD	Operating Assistance 1,401,720.
094-44019	Grand Forks Homes, Grand Forks, ND	Grand Forks Homes, Grand Forks, ND	Operating Assistance 1,901,359.
101-44089	Island Grove Vil Greeley, Co	Trinity Housing Co, Greeley, CO	Capital Improvement 239,340.
Region: 09			
121-35044	Clifford Manor, Watsonville, CA	Clifford Manor Bd, Watsonville, CA	Operating Assistance 212,700.
121-44074	John Muir II, Martinez, CA	John Muir Homes, Inc, Martinez, CA	Operating Assistance 189,561.
121-44114	Alexis Apartments, San Francisco, CA ...	Alexis Apts of St, San Francisco, CA	Operating Assistance 1,140,000.
121-44271	Shelter Hill, Mill Valley, CA	Shelter Hill Assoc, Mill Valley, CA	Operating Assistance 2,067,795.
121-44272	Amel Park Coop, San Francisco, CA	Ammel Park, San Francisco, CA	Operating Assistance 292,110.
121-55024	John Muir I, Martinez, CA	John Muir Homes, Inc, Martinez, CA	Operating Assistance 178,905.
121-55036	Banneker Homes, San Francisco, CA	Banneker Homes, Inc, San Francisco, CA.	Operating Assistance 1,133,571.
121-SH070 ...	Northgate Terace, Oakland, CA	Grafic Com Union Rtr Ctr, Oakland, CA	Operating Assistance 1,486,400.
Region: 10			
176-55002	Etolin Heights Apts, Wrangell, AK	Alaska State Hsg A, Anchorage, AK	Operating Assistance 494,701.

[FR Doc. 96-16530 Filed 6-27-96; 8:45 am]
BILLING CODE 4210-27-P

[Docket No. FR-3599-N-02]

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner; Section 8 Loan
Management Set-Aside (LMSA)
Announcement of Funding Awards;
Fiscal Year 1994**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Announcement of funding
awards.

SUMMARY: In accordance with section
102(a)(4)(C) of the Department of
Housing and Urban Development
Reform Act of 1989, this announcement
notifies the public of funding awards
made by the Department for the LMSA
Program. This announcement contains

the names and addresses of the
awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT:

Ruth Coward, Program Support
Division, Office of Multifamily Asset
Management and Disposition, Office of
Housing, Department of Housing and
Urban Development, 451 Seventh Street,
SW, Washington, DC 20410, telephone
(202) 708-2654. (This is not a toll-free
number.) A telecommunications device
for hearing- and speech-impaired
individuals (TTY) is available at 1-800-
877-8339 (Federal Information Relay
Service).

SUPPLEMENTARY INFORMATION: The Loan
Management Set-aside program
provides special allocations of Housing
Assistance Payments under Section 8 of
the United States Housing Act of 1937,
42 U.S.C. 1437f. Title 24 of the Code of
Federal Regulations, Part 886, Subpart A
sets forth rules for administration of the
LMSA program.

Fiscal Year 1994 funds were
announced in a Notice of Funding

Availability published in the Federal
Register on January 20, 1994 (59 FR
3296). The notice announced the
availability of \$104 million for programs
to reduce claims on the Department's
insurance fund by aiding those FHA-
insured or Secretary-held projects with
presently or potentially serious financial
difficulties.

In accordance with section 102
(a)(4)(C) of the Department of Housing
and Urban Development Reform Act of
1989 (Pub. L. 101-235, approved
December 15, 1989), the Department is
hereby publishing the names and
addresses of the awardees that received
funding under the NOFA, and the
amount of funds awarded to each. This
information is provided in Appendix A
to this document.

Dated: June 21, 1996.

Nicolas P. Retsinas,

*Assistant Secretary for Housing—Federal
Housing Commissioner.*

APPENDIX A.—LIST OF LOAN MANAGEMENT SET-ASIDE (LMSA) PROJECTS FUNDED PURSUANT TO THE FISCAL YEAR 1994 NOFA

FHA No.	Project's name city and state	Owner's name and location	LMSA units funded	Budget authority
Region: 1				
016-44005	Bayside Village, Newport, RI	Bayside Village Associat, Braintree, MA	53	\$1,595,700
016-44039	Eagle III Apartments, Lincoln, RI	S K Mgt Co Inc, Los Angeles, CA	20	592,800
017-44146	Ledgecrest Apts., Vernon Town, CT	Ledgecrest Associates, Meriden, CT	16	457,620
023-44011	Harborview Towers, New Bedford, MA	Franklin W. Simon, Braintree, MA	52	1,443,660
023-44065	Commonwealth Federal, Brighton, MA	Commonwealth Federal Tru, New York, NY	28	584,640
023-44091	Leyden Woods Apts., Greenfield T, MA	Leyden Limited Partnersh, Washington, DC	22	560,820
023-44120	Mohawk Forest, North Adams, MA	Mohawk Forest Associates, Boston, MA	49	1,164,900
023-44137	Hill Homes HSG Coop, Springfield, MA	Hill Homes HSG Cooperati, Springfield, MA	10	265,200
023-44802	Fenno House, Quincy, MA	Wollaston Lutheran Churc, Quincy, MA	12	202,800
024-44028	Brook Village North, Nashua, NH	Brook Village North Asso, Needham, MA	71	2,494,740
Region: 2				
012-11011	Marien-Heim Tower, New York-Bro, NY	Marien-Heim Tower, Inc., Brooklyn, NY	46	1,052,520
031-35183	King's Row, Middletown T, NJ	King's Row Associates, Middletown, NJ	31	1,110,420
Region: 3				
000-44005	Arnold Gardens, Suitland-Sil, MD	AG Limited Partnership, Hyattsville, MD	42	1,243,620
000-44021	Glenarden II, Glenarden, MD	United Glenarden II Ltd, Pacific Palis, CA	23	995,100
000-44136	Crest Apartments, Capitol Heig, MD	Bert M. Tracy, Chevy Chase, MD	34	1,051,440
000-44145	Capitol Towers, Landover, MD	Capital Towers Ltd Partn, Hyattsville, MD	32	1,072,740
033-44006	Logan Hills, Altoona, PA	Logan Hills Associates, Ft Lauderdale, FL	81
033-44054	Harris Gardens, North Union, PA	Harris Gardens Limited P, Washington, DC	22	480,000
033-44114	Keystone Avenue, Cresson, PA	Allegheny Developers, Cresson, PA	20	295,200
033-44124	Douglas Plaza, Wilkinsburg, PA	Douglas Plaza Limited Pa, Trenton, NJ	38	771,000
033-44804	Methodist Towers, Erie, PA	Methodist Towers, Inc., Erie, PA	57	771,420
034-35137	Fisher's Crosssing, Philadelphia, PA	Anthony & Margaret Richa, South Orange, NJ	56	1,925,880
034-44055	Interfaith Heights, Wilkes-Barre, PA	Interfaith Heights Asso, Dallas, PA	30	658,800
034-44147	Mt. Vernon Manor, Philadelphia, PA	Mt. Vernon Manor Assoc., Philadelphia, PA	31	533,700
034-44149	Webster Towers, Scranton, PA	Marylyn Preven, Presiden, Scranton, PA	7	111,720
034-44804	Episcopal Hse, Reading, PA	Episcopal House of Read, Reading, PA	25	400,800
034-55003	Zion Gardens, Philadelphia, PA	Zion Non-Profit Corp., Philadelphia, PA	26	722,400
045-44002	Spring Hill Apts., Charleston, WV	City Park Associates, Rockville, MD	8	236,100
045-44008	Berkeley Gardens, Martinsburg, WV	Berkeley Gardens Ltd.Ptn, Rockville, MD	10	225,600
051-35307	Lantern Ridge, Blacksburg, VA	Carriage Hill Assoc Ltd, Blacksburg, VA	27	838,620
051-44065	Augusta Farms, Augusta Coun, VA	Augusta Farms Associates, Roanoke, VA	10	193,200
051-44074	Bell Diamond Manor, Norfolk, VA	Beacon Light Civic Leagu, Norfolk, VA	40	987,060
051-44201	Ruffin Road Apts, Richmond, VA	Ruffin Road Associates, Washington, DC	9	288,780
051-44246	Oakland Mutual Th, Richmond, VA	Oakland Townhses Mutual, Richmond, VA	32	656,280
051-55005	Fairhills Apartments, Richmond, VA	Fairhills Apartment Part, Baltimore, MD	55	1,142,100
052-35376	Sentinel Court Apts., Baltimore, MD	Seminole Ridge Ltd. Ptnr, Baltimore, MD	27	671,700
052-44017	Bay Ridge Gardens, Annapolis, MD	Annapolis Woods VE, Timonium, MD	146	5,263,320
052-44071	Clay Courts, Baltimore, MD	Clay Courts Assoc. Ltd., Reston, VA	32	1,201,980
052-55005	Bruce Manor Apts, Baltimore, MD	Bruce Manor, Inc., Silver Spring, MD	34	1,040,880
Region: 4				
053-44059	Cheek Road Apts, Durham, NC	Cheek Road Apts Lt, Washington, DC	50	3,774,300
053-44074	Barrington Oaks, Charlotte, NC	Barrington Oaks Apt. Ass, Southport, CT	7	245,520
053-44135	Alpha Arms, Goldsboro, NC	Alpha Arms, Inc., Goldsboro, NC	25	605,160
053-44801	Vanderbilt Apts., Asheville, NC	Vanderbilt Apts., Inc., Asheville, NC	9	97,200
054-35264	Filbin Creek, N Charleston, SC	George E. Campsen, Jr., Johns Island, SC	10	274,800
054-35317	Saw Branch, Summerville, SC	Sawbranch Apartments, Al, Charleston, SC	34	1,072,200
054-35407	Brackenbrook, North Charle, SC	Brackenbrook Apartments, Charleston, SC	39	1,213,800
054-44063	Walhalla Gardens I, Walhalla, SC	BFG Carolina I, Inc., Greenville, SC	7	145,980
054-44801	Christopher Towers, Columbia, SC	Navigator Corporation, Columbia, SC	32	552,240
061-44066	Lexington Village, Conyers, GA	Lexington Village Compan, Atlanta, GA	16	372,180
061-44073	Shawnee Apartments, Atlanta, GA	Herman J. Russell, Atlanta, GA	6	141,120
061-44091	Carriage House/Atl, Atlanta, GA	Carriage House of Atlant, Indianapolis, IN	30	695,880
061-44094	Dutch Forest Duplex, Hapeville, GA	Mr. Theodore C. George, Atlanta, GA	37	823,620
061-44124	Northgate Village, Columbus, GA	Northgate Village Ltd., Washington, DC	6	117,480
061-44128	College Square Apts, Fort Valley, Ga	Allan S. Bird, Carlsbad, CA	6	118,740
061-44130	Stephens Woods Apts, Smyrna, GA	Kirk T. Dornbush, Atlanta, GA	48	952,800
061-44150	Mt. Zion Apartments, Augusta, GA	Floyd Green, Augusta, GA	11	240,240
061-44207	Clairmont Oaks, Decatur, GA	Clairmont Oaks, Inc. Decatur, GA	49	1,083,780

APPENDIX A.—LIST OF LOAN MANAGEMENT SET-ASIDE (LMSA) PROJECTS FUNDED PURSUANT TO THE FISCAL YEAR 1994 NOFA—Continued

FHA No.	Project's name city and state	Owner's name and location	LMSA units funded	Budget authority
061-44214	Battlewood Apartment, Fort Ogletho, GA	Battlewood Apartments Lt, Chattanooga, TN	8	174,720
061-44801	Philips Prsbytn Twr, Atlanta, GA	Philips Presbyterian Tow, Decatur, GA	35	651,540
061-44803	A.H. Epworth Towers, Atlanta, GA	Wesley Homes, Inc. Atlanta, GA	25	623,580
061-55068	Athens Arms, Athens, GA	NCHP, Washington, DC	11	178,200
062-35337	Monroe, Birmingham, AL	Monroe Associates Ltd., Nashville, TN	12	316,800
062-44014	Valley Brook Apts, Birmingham, AL	Valley Brook Assoc, Atlanta, GA	120	2,426,160
062-44033	Somerville Road, Decatur, AL	Somerville Road Apts, Lt, Birmingham, AL	4	69,360
062-44081	Forrester Gardens, Tuscaloosa, AL	Forrester Gardens, Ltd., Washington, DC	10	232,620
063-44003	Harold House, Jacksonville, FL	Harold House Ltd. partne, Washington, DC	20	798,720
063-44016	Atlantic Garden Apts, Jacksonville, FL	Atlantic Gardens Apts., Winter Park, FL	48	1,207,200
063-44024	Village Green, Gainesville, FL	Charles S. Wilkins, Jr., Washington, DC	6	159,060
063-44037	Forest Green, Gainesville, FL	Charles S. Wilkins, Jr., Washington, DC	10	273,000
063-44041	Sutton Place, Ocala, FL	Hickory Ridge Assoc., Lt, Washington, DC	12	386,820
063-44043	Beachwood Apts, Jacksonville, FL	W.H. Walton & J.D. Weed, Jacksonville, FL	13	319,080
063-44051	Springfield Rsdn One, Jacksonville, FL	W.H. Walton & J.D. Weed, Jacksonville, FL	12	429,360
063-58501	Imperial Estates, Jacksonville, FL	Imperial Estates, Ltd. Wooster, OH	23	755,580
066-44043	Broadmoor Apts, West Palm Be, FL	Broadmoor Associates, Lt, Greenville, SC	28	808,800
066-44057	Royal Manor, Fort Myers, FL	William Condren, GP, Syracuse, NY	23	515,820
066-44071	Holiday Lake Apts, Pompano Beac, FL	Holiday Lake Ltd., Partn, Dallas, TX	35	856,320
067-35053	Chateau Domaris Apts, lake Wales, FL	Briarwood Associates, Leesburg, FL	10	228,480
081-44033	Ridgewood Terrace, Memphis, TN	CP/DB Housing Partners, Memphis, TN	20	487,980
081-55002	Watkins Manor, Memphis, TN	Watkins Properties, Ltd., Santa Monica, CA	20	392,460
083-44038	Pine Crest I Apts., Elizabethtow, KY	Central State Managers, Lexington, KY	20	281,820
083-44106	Hickory Hills Manor, Frankfort, KY	Hickory Hills Manor, Inc, Los Angeles, CA	31	580,800
083-44802	Chapel House—Lou, Louisville, KY	Chapel House, Inc. Louisville, Ky	5	89,220
083-44804	Hillebrand House, Louisville, KY	Union Labor Housing, Inc, Louisville, KY	19	262,500
087-44035	Miller Village, Kingsport, TN	Miller Village-1984, Ltd, Birmingham, AL	41	781,500

Region: 5

042-44009	Kensington Square I, Elyria, OH	Kensington Square I, Beverly Hills, CA	10	209,400
042-44066	Kensington Square II, Elyria, OH	Kensington Square II, Beverly Hills, CA	12	257,100
042-44108	Shamrock Place, Painesville, OH	Shamrock Place, Cleveland, OH	15	382,500
042-44803	Ashland Manor, Toledo, OH	Ashland Manor, Beverly Hills, CA	9	162,000
042-SH014	Eldercrest Apts., Youngstown, OH	Eldercrest Inc, Youngstown, OH	60	774,000
044-35318	Sycamore Glade, Pontiac, MI	George Myman, Troy, MI	137	3,741,900
046-44041	Twin Gables, Hamilton, OH	Twin Gables Assn Ltd Ptn, Washington, DC	15	320,400
046-44137	Northlake Hills II, Mad River Tw, CH	Northlake Hills Cooperat, Dayton, OH	36	748,020
046-44165	King Towers, Cincinnati, OH	King Towers Apartments, Beverly Hills, CA	16	333,180
071-44051	Cambridge Manor, Chicago, IL	South Commons Stage 3 Ve, Chicago, IL	60	1,377,360
071-44081	Germano Millgate Apt, Chicago, IL	Chicago Community Dev. C, Chicago, IL	117	3,368,400
071-55203	Douglas Lawndale, Chicago, IL	City of Chicago, Dept of Chicago, IL	50	1,015,980
072-44004	Urban Family Res., Peoria, IL	Urban Family Residence, Peoria, IL	16	387,120
073-44005	Bono Road Village, New Albany, IN	Bono Development Co, New Albany, IN	33	656,700
075-44092	Boulevard Apartments, Milwaukee, WI	WBC II Limited Partnersh, Peabody, MA	124	2,568,780
075-44113	Meadow Park Apts., Clinton, WI	Meadow Park Apts, Ltd. P, Milwaukee, WI	19	435,960
092-44035	Carriage House, Brooklyn Par, MN	Carriage House Associate, St Louis, MO	63	1,583,280
092-44207	Westminster Place, St. Paul, MN	Westminster Place, Lp, St. Paul, MN	10	255,240

Region: 6

082-44026	Willow Bend I, Jacksonville, AR	236 Joint Venture, Willo, Little Rock, AR	3	73,980
082-44027	Willow Bend II, Jacksonville, AR	236 Joint Venture, Willo, Little Rock, AR	5	107,700
082-44061	Grandview Apts., Fayetteville, AR	Grandview Apt., Ltd., Irving, TX	5	112,260
112-44075	Southcrest Apts., Dallas, TX	Southcrest, Ltd., Birmingham, AL	78	2,130,720
112-55057	Ridgecrest Terrace, Dallas, TX	Ridgecrest Terrace Apts., Dallas, TX	146	3,367,920
115-35183	Chisholm Trace Apts., San Antonio, TX	Chisolm Trace, Ltd., Dallas, TX	24	732,840
115-44168	Bergstrom Arms, Austin, TX	Bergstrom Arms, Ltd., Santa Monica, CA	60	1,385,400
116-35056	Villa Del Sol, Clovis, NM	John Luciani, Fort Lee, NJ	10	280,200
118-35054	Meadowbrook Apts., Muskogee, OK	Meadowbrook Apts. Assn., Boca Raton, FL	20	422,400
118-44088	Poteau Valley, Poteau, OK	Robert C. Poe, Tulsa, OK	20	386,400
118-55012	Normandy Apts., Tulsa OK	Normandy Apartments, Ltd, Oklahoma City, OK	53	1,444,620

Region: 7

074-44052	Green Valley Manor, Creston, IA	Green Valley Associates, Carlsbad, CA	6	136,800
084-35270	Highgate Apartments, Kansas City, MO	Highgate Development Cor, Mission, KS	7	148,980
084-44090	Royal Gardens, Kansas City, KS	Royal Gardens Limited, Kansas City, KS	28	594,240
084-44128	Grandboro Arms, Grandview, MO	Grandboro Arms, Ltd, Overland Park, KS	17	384,420

APPENDIX A.—LIST OF LOAN MANAGEMENT SET-ASIDE (LMSA) PROJECTS FUNDED PURSUANT TO THE FISCAL YEAR 1994 NOFA—Continued

FHA No.	Project's name city and state	Owner's name and location	LMSA units funded	Budget authority
084-44138	Sunflower Park Apts, Kansas City, KS	Sunflower Park Ltd Partn, Pacific Palis, CA	66	1,786,200
085-44032	Chevy Chase, Mexico, MO	Chevy Chase—Mexico Ass, Boca Raton, FL	22	430,440
Region: 8				
101-44026	Golden Spike, Denver, CO	Colo Vet & Ret Railroade, Denver, CO	40	747,720
101-44097	Alvarado Village, Boulder, CO	St Thomas Aquinas Housin, Boulder, CO	13	524,460
Region: 9				
121-35454	Huntington Park I, Fresno, CA	Huntington Park Investor, San Rafael, CA	67	1,606,500
121-35620	Huntington Park II, Fresno, CA	Huntington Park Investor, San Rafael, CA	20	420,000
121-44080	Villa Garcia, San Jose, CA	Villa Garcia, Inc., San Jose, CA	23	608,700
121-44185	Richmond Townhouses, Richmond, CA	Richmond Th Assoc C, Los Angeles, CA	12	386,640
121-44261	Kearney Cooley, Fresno, CA	Harrison Bryant Kearney, Fresno, CA	14	299,400
121-44410	Betel Apartments, San Francisco, CA	Mission Housing Developm, San Francisco, CA	15	710,820
122-35555	Danilo Gardens, Lancaster, CA	Danilo Gardens, San Diego, CA	50	1,679,220
122-35602	Arminta North/South Sun Valley, CA	Arminta North and South Sun Valley, CA	40	2,332,560
122-44209	Garden Grove Manor, Garden Grove, CA	Garden Grove Manor, Inc. Garden Grove, CA	31	889,140
122-44732	Pacific Manor, Burbank, CA	Pacific Home of Burbank, Burbank, CA	20	354,000
136-35619	Delta Gateway I, Stockton, CA	Rudy V. Bilawski, Lodi, CA	35	1,113,900
136-35660	Delta Gateway II, Stockton, CA	Rudy V. Bilawski, Lodi, CA	22	755,640
143-38010	Olive Grove I, Riverside, CA	Olive Grove Partners, Bala Cynwyd, PA	21	627,480
Region: 10				
126-44045	Spencer House, Beaverton, OR	Beaverton Associates, Black Butte, OR	28	964,080
126-44145	North Slope Village, Sutherlin, OR	N Slope Village In, Eugene, OR	13	354,300

[FR Doc. 96-16529 Filed 6-27-96; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. FR-3778-N-91]**Office of the Assistant Secretary for Community Planning and Development; Federal Property Suitable as Facilities To Assist the Homeless****AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.**ACTION:** Notice.**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.**FOR FURTHER INFORMATION CONTACT:**

Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-1226; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with Sections 2905 and 2906 of the National Defense Authorization Act for Fiscal Year 1994,

P.L. 103-160 (Pryor Act Amendment) and with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the April 21, 1993 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.)

These properties reviewed are listed as suitable/available. In accordance with the Pryor Act Amendment suitable properties will be made available for use to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Please be advised, in accordance with the provisions of the Pryor Act Amendment, that if no expressions of interest or applications are received by the

Department of Health and Human Services (HHS) during the 60 day period, these properties will no longer be available for use to assist the homeless. In the case of buildings and properties for which no such notice is received, these buildings and properties shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and properties. These buildings and properties shall be available for a submission by such redevelopment authority exclusively for one year. Buildings and properties available for a redevelopment authority shall not be available for use to assist the homeless. If a redevelopment authority does not express an interest in the use of the buildings or properties or commence the use of buildings or properties within the applicable time period such buildings and properties shall then be republished as properties available for use to assist the homeless pursuant to Section 501 of the Stewart B. McKinney Homeless Assistance Act.

Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville,

MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581, 56 FR 23789 (May 24, 1991).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Air Force: Mr. Ray Hatch, Program Manager, AFBCA/DC, 1700 N. Moore St., Suite 2300, Arlington, VA 22209-2802; (703) 696-5260; (This is not a toll-free number).

Dated June 20, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program,
Federal Register Report for 06/28/96

Suitable/Available Properties

Land (by State)

TEXAS

Railroad (Spur)

Bergstrom Air Force Base

Austin Co.: Travis TX 78719

Landholding Agency: Air Force-BC

Property Number: 199620001

Status: Pryor Amendment

Base closure

Number of Units: 1

Comment: 3.07 acres w/240 sq. ft. pump station, most recent use—fuel pump station railroad.

[FR Doc. 96-16232 Filed 6-27-96; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Agency Draft Recovery Plan for the Palezone Shiner for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for the palezone shiner (*Notropis albizonatus*). This small fish occurs in large creeks and small rivers in the

Tennessee and Cumberland River systems. Although the palezone shiner was likely once more widespread within the Tennessee and Cumberland River systems or drainages, it is presently known from only two widely disjunct populations—the Paint Rock River (a Tennessee River tributary) in Jackson County, Alabama, and the Little South Fork of the Cumberland River in Wayne and McCreary Counties, Kentucky. Two other known populations are extirpated. Populations of this species have been fragmented by habitat alteration (primarily impoundments), and extant populations are impacted by deteriorated water quality, primarily resulting from poor land-use practices (*e.g.*, agriculture and coal mining). The species' present limited distribution also makes it vulnerable to extirpation from stochastic events. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 27, 1996 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Biggins at the above address (704/258-3939 Ext. 228).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of time and costs to implement the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless

such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is the palezone shiner (*Notropis albizonatus*). The areas of emphasis for recovery actions are the Little South Fork of the Cumberland River in the upper Cumberland River basin in south-central Kentucky and the Paint Rock River in the Tennessee River system in northeastern Alabama. Habitat protection, population augmentation/reintroduction, and preservation of genetic material are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 21, 1996.

Brian P. Cole,

Field Supervisor.

[FR Doc. 96-16502 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Duwamish Tribal Organization

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Notice is hereby given that the Assistant Secretary—Indian Affairs (Assistant Secretary) proposes to decline to acknowledge that the Duwamish Tribal Organization, 107 Ranier Ave. So., Renton, WA 98055, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Duwamish Tribal Organization does not satisfy three of the seven criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements for a government-to-

government relationship with the United States.

DATES: Any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 calendar days from the date of publication of this notice. Interested and informed parties who submit arguments and evidence to the Assistant Secretary should also provide copies of their submissions to the petitioner.

ADDRESSES: Comments on the proposed finding and requests for a copy of the report which summarizes the evidence and analyses that are the basis for the proposed decision should be addressed to the Office of the Assistant Secretary, 1849 C Street N.W., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mailstop: 4641-MIB.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, Chief, Branch of Acknowledgment and Research, (202) 208-3592.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary by 209 DM 8 and pursuant to 25 CFR 83.9(f) of the previous acknowledgment regulations. Although revised acknowledgment regulations became effective March 28, 1994, the Duwamish Tribal Organization chose, as provided in 25 CFR 83.3(g) of the revised regulations, to complete their petitioning process under the previous acknowledgment regulations.

The petitioner, the Duwamish Tribal Organization, is an organization of Duwamish descendants that has existed since 1925. While the petitioner's individual members can trace their ancestry back to a historical Duwamish tribe, the petitioner has not existed as a tribal entity continuously since the time of first sustained contact between the historical Duwamish tribe and non-Indians. The petitioner has been identified by external observers as an Indian entity, but only since about 1940. The petitioner does not form, and has not formed, a distinct social or geographical community in western Washington. Its organization has functioned for limited purposes since 1925 and has exercised no meaningful political influence or authority over its members. Of the seven mandatory criteria for Federal acknowledgment as an Indian tribe, the petitioner has met criteria (d), (e), (f), and (g), but has failed to meet criteria (a), (b), and (c).

A historical Duwamish tribe was described as consisting of the Indians living at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington, as well as along the Green and White Rivers, around Lake Washington, and along the eastern shore of Puget Sound in the area of Elliott Bay. Federal negotiators combined the Duwamish with other tribes and bands into confederated "treaty tribes" for the purpose of making a treaty in 1855, and continued to deal with treaty-reservation Indians as the "Duwamish and allied tribes." The evidence indicates that a distinct Duwamish community has not existed since about 1900 and that political activity linked to residents of traditional settlements has not occurred since about 1916. The petitioner's organization came into existence in 1925 when eight men announced their "intention of forming" an organization. No contemporary evidence indicates that this new organization continued the activities of a previous group, and its membership was substantially different from the membership of a Duwamish organization which had been formed in 1915.

The petitioner has satisfied criterion (e), because the available evidence demonstrates that 386 out of the 390 members on the petitioner's 1992 membership roll clearly descend from historical Duwamish Indians. The petitioner has met criterion (d) by providing copies of the constitution and by-laws of the Duwamish Tribal Organization which were adopted in 1925 and are still in effect today. These governing documents also describe the petitioner's membership criteria. There is no evidence that a significant percentage of the petitioner's members belong to any federally-recognized tribe, or that the petitioner was subject to legislation terminating or forbidding a Federal relationship. Thus, the petitioner has met criteria (f) and (g).

The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core. The group's geographical dispersion is consistent with other evidence showing that members do not maintain, and have not maintained, significant social contact with each other. Before 1925, the petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations. Since 1925,

the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines. Because the petitioner has not maintained a cohesive community that is socially distinct from other populations in the area, it has not met the requirements of criterion (b).

The Duwamish Tribal Organization has not exercised political influence or authority over its members. Instead, it has limited itself to pursuing Federal acknowledgment and claims against the United States for its dues-paying members. The organization's annual meetings have generally consisted of a presentation by the chairman or chairwoman, a report by the group's claims attorney, and motions only to elect officers, accept new members, or endorse attorney contracts. No evidence shows that members were involved actively in making decisions for the group or resolving disputes among themselves. A decision to intervene in an important fishing rights case was made by a single individual, the chairman. Later, no members participated in completing the paperwork in that case which would have allowed members to utilize fishing rights temporarily. The available evidence shows that this organization has played a very limited role in the lives of its members, and there is no evidence of the existence of informal leadership or political influence within the group outside of the formal organization. Because the petitioner has not maintained tribal political influence or authority over its members throughout history, it has not met the requirements of criterion (c).

The petitioner has been identified intermittently since 1940 as an Indian organization by Federal officials. A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was identified by contemporary Government officials and American settlers, and by later ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various identifications of Duwamish entities before 1900 and after 1940, however, do not identify the same entity and do not link the modern petitioner to the historical tribe as an Indian entity which has continued to exist over time. Because the petitioner has not been identified as having a substantially continuous Indian identity from historical times to the present, it

has not met the requirements of criterion (a).

Based on these factual determinations, we conclude that the Duwamish Tribal Organization should not be granted Federal acknowledgment under 25 CFR part 83.

After consideration of the comments on this proposed finding, the Assistant Secretary will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.9(h) of the previous acknowledgment regulations.

Dated: June 18, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16503 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-02-P

Land Acquisitions

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final agency determination to take land into trust under 25 CFR Part 151.

SUMMARY: The Assistant Secretary—Indian Affairs made a final decision to acquire approximately 165 acres of land into trust for the Mashantucket Pequot Indian Tribe of Connecticut on May 22, 1996. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.3A.

FOR FURTHER INFORMATION CONTACT: Alice A. Harwood, Bureau of Indian Affairs, Division of Real Estate Services, Chief, Branch of Technical Services, MS-4522/MIB/Code 220, 1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-7737.

SUPPLEMENTARY INFORMATION: The Department of Interior established a procedure to ensure the opportunity for judicial review of administrative decisions to acquire title to lands in trust for Indian tribes and individual Indians under section 5 of the Indian Reorganization Act (IRA) (Public Law 73-383, 48 Stat. 984-988, 25 U.S.C. 465 and other federal statutes). This notice is issued according to the Final Rule establishing a 30-day waiting period after final administrative decisions to acquire lands into trust. The Final Rule was published in the Federal Register on April 24, 1996, 61 FR 80 18082-83, 25 CFR § 151.12(b). On May 22, 1996, the Assistant Secretary—Indian Affairs decided to accept approximately 165 acres of land into trust for the Mashantucket Pequot Indian Tribe of Connecticut. The Secretary shall acquire

title in the name of the United States in trust for the Mashantucket Pequot Indian Tribe for the five tracts of land described below no sooner than 30 days after the date of this notice.

New London County, Connecticut

Lot #101 Town of North Stonington

Lot #3 Town of North Stonington

Lot #30 Town of Ledyard

Lot #58 Town of Ledyard

Lot #72 Town of Ledyard

Lot #76 Town of Ledyard

Lot #82 Town of Ledyard

Title to the land described above will be conveyed subject to any valid existing easements for public roads, highways, public utilities, pipelines, and any other valid easements or rights-of-way now on record.

Dated: May 22, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-16000 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

Notice of Meeting

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise to discuss a U.S. Air Force proposal to withdraw about 11,000 acres of public land in Owyhee County for an expanded Air Force training range.

DATES: July 16, 1996. The meeting will begin at 8:30 a.m. and a public comment period will begin at 9:00 a.m.

ADDRESSES: The Lower Snake River District Office is located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208-384-3393).

Dated: June 24, 1996.

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96-16544 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-GG-P

[CA-010-1430-00; CACA 8151]

Order Providing for Opening of Lands Subject to Section 24 of the Federal Power Act; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order opens, subject to section 24 of the Federal Power Act (FPA), approximately 0.02 acres of public land withdrawn by a Federal Power Commission order, dated July 18, 1949, for Power Project Number 2019.

This action will permit consummation of a pending land exchange and retain the power rights to the United States of America. The Federal Energy Regulatory Commission (FERC) has determined that the power value of the subject land will not be injured or destroyed by their exchange, if the land exchange is subject to section 24 of FPA. FERC concurred with this action in a letter, DVCA-1240, dated June 14, 1996. Although the land has been and will remain closed to mining, it has been and will remain open to mineral leasing.

DATES: June 29, 1996.

FOR FURTHER INFORMATION CONTACT:

Duane Marti, BLM California State Office (CA-931.4), 2800 Cottage Way, Sacramento, CA 95825-1889, 916-979-2858.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by the Act of June 10, 1920, Section 24, as amended, 41 Stat. 1075; 49 Stat. 846; 62 Stat. 275; 16 U.S.C. 818, and pursuant to the determination by the Federal Energy Regulatory Commission in DVCA-1240, it is ordered as follows:

1. At 8:30 a.m. on June 29, 1996, the following described land withdrawn by a Federal Power Commission order, dated July 18, 1949, for Power Project Number 2019, will be opened to disposal by land exchange subject to the provisions of Section 24 of the Federal Power Act as specified by the Federal Energy Regulatory Commission in determination DVCA-1240, and subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law:

Mount Diablo Meridian

T. 4 N., R. 14 E.,

Sec. 34, that portion of lot 15 located within the project boundary of Power Project 2019.

The area described contains approximately 0.02 acres in Calaveras County.

2. The State of California has waived its right of selection in accordance with the provisions of section 24 of the Federal Power Act of 16 U.S.C. 818 (1988), as amended.

Dated: June 21, 1996.

David McIlnay,

Chief, Branch of Lands.

[FR Doc. 96-16543 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-40-P

[OR-030-06-1430-00: GP6-0153]

Notice of Realty Action—Sale

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: OR-50855 Notice of Realty Action—Sale Public Land in Malheur County, Oregon.

SUMMARY: The following land has been found suitable for sale by direct sale procedures under Section 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 1719), at not less than the appraised fair market value (FMV) of \$2,000.00.

The land will not be offered for sale for at least 60 days after publication of this notice.

Willamette Meridian, Oregon

T. 19S., R. 43E.,

Section 12: SW¹/₄SW¹/₄.

Containing 40 acres.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute, for 270 days from the date of publication of this notice in the Federal Register or until title transfer is completed or the segregation is terminated by publication in the Federal Register, whichever occurs first.

The parcel is difficult and uneconomic to manage as part of the public lands because of its location and has been identified as unneeded and not suitable for management by another Federal department or agency. There are no significant resource values which will be affected by this disposal. This parcel has no legal access and the public interest will be served by offering this land for sale.

The parcel will be offered by the direct sale method to Little Valley Ranch Co., LLC whose lands completely surround the subject parcel. The direct sale method is authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA). The purchaser will submit a non-refundable \$50.00 filing fee for the conveyance of the mineral estate, with the exception of oil and gas and geothermal resources.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States under the authority of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. The sale is for surface and subsurface estate with the following reservations: The patent will contain a reservation to the United States for oil and gas and geothermal resources, together with the right to prospect for, mine and remove the same.

The mineral interest being offered for conveyance have no known mineral value. The purchaser will submit an

application for conveyance of the mineral estate in accordance with Section 209 of the Federal Land Policy and Management Act.

3. The sale will be subject to all valid existing rights.

DATES: No later than August 12, 1996, interested parties may submit comments to the District Manager, Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918. Objections would be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

ADDRESSES: Detailed information concerning the sale, including the reservations, procedures for the conditions of sale, and planning and environmental documents, is available at the Vale District Office, Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918.

FOR FURTHER INFORMATION CONTACT: Nancy Getchell, Realty Specialist, Malheur Resource Area, at 100 Oregon Street, Vale, Oregon 97918, (Telephone 541 473-3144).

Geoffrey B. Middaugh,

Vale District Associate Manager.

[FR Doc. 96-16500 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-33-M

[Docket No. 4310-DN; MT-067-1220-01-23-1A]

Notice of Use Restriction—Seasonal Closure of Trails in the Ear Mountain ONA; Montana

AGENCY: Department of Interior, Bureau of Land Management, Great Falls Resource Area.

ACTION: Notice of use restrictions.

SUMMARY: To protect significant wildlife resources, a seasonal trail closure is in effect each year from December 15–July 1.

FOR MORE INFORMATION CONTACT:

Richard L Hopkins, Area Manager, Great Falls Resource Area, 812 14th Street North, Great Falls, MT 59403. Phone (406) 727-0503.

SUPPLEMENTARY INFORMATION: The trails within the Ear Mountain Outstanding Natural Area (ONA), located in T.24N, R.8W, Sec. 5, 6, 7, and 8, PMM, Teton County, Montana, are closed seasonally. Signs stating the trail closure dates will be posted on trails accessing the Ear Mountain ONA. Access inside the Ear Mountain ONA boundary, during the closure dates, will be limited to permitted users and authorized Bureau

of Land Management officials. Authority for this closure is found in 43 CFR 8364.1. Any person who fails to comply with a closure issued under 43 CFR 8364, may be subject to the penalties provided in 43 CFR 8360.0-7: violations are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

The Ear Mountain ONA trailhead and picnic facilities are open year round.

Dated: June 14, 1996.

Gary Slagel,

Acting District Manager.

[FR Doc. 96-16294 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-GR-P

National Park Service

Environmental Assessment

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service announces the publication of "The Final Environmental Assessment to Provide Additional Housing for the Miccosukee Tribe of Indians of Florida", which includes the Record of Decision and Finding of No Significant Impact and the Statement of Findings for Wetlands Protection and Floodplain Management. The location addressed is in the Special Use Permit Area of Everglades National Park, along the north boundary, near State Highway 41.

DATES: Copies of the assessment are immediately available.

ADDRESSES: Copies of the assessment may be obtained from the Public Affairs Office, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034-6733.

FOR FURTHER INFORMATION CONTACT: Rick Cook, Public Affairs Officer, (305) 242-7700.

Elaine D'Amico Hall,

Acting Deputy Superintendent.

[FR Doc. 96-16607 Filed 6-27-96; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Antitrust Division

United States vs. American Skiing Company and S-K-I Limited; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have

been filed with the United States District Court for the District of Columbia in *United States vs. American Skiing Company and S-K-I Limited*, Civil Action No. 96-1308. The proposed Final Judgment is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h).

On June 11, 1996, the United States filed a Complaint seeking to enjoin a transaction in which American Skiing Company ("ASC") agreed to acquire S-K-I Limited ("S-K-I"). ASC and S-K-I are the two largest owner/operators of ski resorts in New England, and this transaction would have combined eight of the largest ski resorts in this region. The Complaint alleged that the proposed acquisition would substantially lessen competition in providing skiing to eastern New England and Maine skiers in violation of section 7 of the Clayton Act, 15 U.S.C. 18, and section 1 of the Sherman Antitrust Act, 15 U.S.C. 1.

The proposed Final Judgment orders defendants to sell all of S-K-I's rights, titles, and interests in the Waterville Valley resort in Campton, New Hampshire, and all of ASC's rights, titles, and interests in the Mt. Cranmore resort in North Conway, New Hampshire, to one or more purchasers who have the capability to compete effectively in the provision of skiing to eastern New England and Maine skiers at Waterville Valley and Mt. Cranmore. The Stipulation also imposes a hold separate agreement that, in essence, requires the parties to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, S-K-I's Waterville Valley and ASC's Mt. Cranmore operations will be held separate and apart from, and operated independently of, ASC's assets and businesses. A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, and remedies available to private litigants.

Public comment is invited within the statutory 60-day comment period. Such comments, and the responses thereto, will be published in the Federal Register and filed with the Court. Written comments should be directed to Craig W. Conrath, Chief, Merger Task Force, Antitrust Division, 1401 H Street, N.W., Suite 4000, Washington, D.C. 20530 (telephone: 202-307-5779). Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection in Room 3233 of the Antitrust Division, Department of Justice, Tenth Street and

Pennsylvania Avenue, N.W., Washington, D.C. 20530 (telephone: 202-633-2481) and at the Office of the Clerk of the United States District Court for the District of Columbia, Third Street and Constitution Avenue, N.W., Washington, D.C. 20001.

Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,
Director of Operations, Antitrust Division.

In the matter of: UNITED STATES OF AMERICA, Plaintiff, vs. AMERICAN SKIING COMPANY, and S-K-I Limited, Defendants.
Docket Number: 96 1308
Judge: Thomas Penfield Jackson.
Filed: June 11, 1996.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

(1) The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the District for the District of Columbia.

(2) The parties stipulate that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

(3) The parties shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment, and shall, from the date of the filing of this Stipulation, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court; provided, however, that S-K-I Limited shall not be obligated to comply with Sections IV (A) or IX (A) of the Final Judgment unless and until the closing of any transaction in which American Skiing Company (formerly LBO Resort Enterprises) directly or indirectly acquires all or any part of the assets or capital stock of S-K-I Limited; provided, further, that S-K-I Limited shall not be obligated to comply with Sections IX (B) through (J) of the Final Judgment in the event that the Transactions contemplated by the Agreement and Plan of Merger, between LBO Resort Enterprises Corporation and

S-K-I Limited, date February 13, 1996, are terminated.

(4) American Skiing Company shall prepare and deliver reports in the form required by the provisions of paragraph B of Section VII of the proposed Final Judgment commencing no later than July 1, 1996, and every thirty days thereafter pending entry of the Final Judgment.

(5) In the event plaintiff withdraws its consent, as provided in paragraph 2 above, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

(6) All parties agree that this agreement can be signed in multiple counter-parts.

Dated: June 11, 1996.

For Plaintiff United States of America:
Craig W. Conrath,
U.S. Department of Justice, Antitrust Division, Merger Task Force, 1401 H Street, N.W.; Suite 4000, Washington, D.C. 20005, (202) 307-5779.

For Defendant American Skiing Company:
Jeffrey M. White,
Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine 04101-1110, (207) 773-6411, Attorney for American Skiing Co.

For Defendant S-K-I Limited
Paul D. Sanson,
Shipman & Goodwin, One American Row, Hartford, CT 06103-2819, (860) 251-5721, Attorney for S-K-I Limited.

Dated: June 10, 1996.

For Plaintiff United States of America:
Craig W. Conrath,
U.S. Department of Justice, Antitrust Division, Merger Task Force, 1401 H Street, N.W.; Suite 4000, Washington, D.C. 20005, (202) 307-5779.

For Defendant American Skiing Company:
Jeffrey M. White,
Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine (207) 773-6411, Attorney for American Skiing Co.

For Defendant S-K-I Limited:
Paul D. Sanson,
Shipman & Goodwin, One American Row, Hartford, CT 06103-2819, (860) 251-5721, Attorney for S-K-I Limited.

Dated: June 11, 1996.

For Plaintiff United States of America:

Craig W. Conrath,

Antitrust Division, Merger Task Force, 1401 H Street, N.W.; Suite 4000, Washington, D.C. 20005, (202) 307-5779.

For Defendant American Skiing Company:

Jeffrey M. White,

Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine 04101-1110, (207) 773-6411, Attorneys for American Skiing Co.

For Defendant S-K-I Limited:

Paul D. Sanson,

Shipman & Goodwin, One American Row, Hartford, CT 06103-2819, (860) 251-5721, Attorney for S-K-I Limited.

In the matter of: *UNITED STATES OF AMERICA, Plaintiff, v. AMERICAN SKIING COMPANY, and S-K-I LIMITED, Defendants.*

Civil No.: 96 1308. Filed 6/11/96. Judge Thomas Penfield Jackson.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on June 1, 1996, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is prompt and certain divestiture of assets to assure that competition is not substantially lessened;

And whereas, plaintiff requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to plaintiff that the divestitures ordered herein can and will be made and that defendants will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered, adjudged, and decreed as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and the subject matter of this action. The Complaint states a claim upon which relief may be granted against defendant under Section

7 of the Clayton Act, as amended (15 U.S.C. § 18).

II. Definitions

As used in this Final Judgment:

A. "ASC" means defendant American Skiing Company (formerly known as LBO Resort Enterprises Corporation), a Maine corporation headquartered in Newry, Maine, and includes its successors and assigns, and its subsidiaries, directors, officers, managers, agents, and employees acting for or on behalf of any of them.

B. "S-K-I" means defendant S-K-I Limited, a Delaware corporation headquartered in West Lebanon, New Hampshire, and includes its successors and assigns, and its subsidiaries, directors, officers, managers, agents, and employees acting for or on behalf of any of them.

C. "Divestiture Assets" means:

(1) all rights, titles and interests, including all fee and all leasehold and renewal rights, in S-K-I's Waterville Valley resort in Campton, New Hampshire, including, but not limited to, all real property (including but not limited to property owned in fee or through a lease or special use permit from the United States Forest Service), deeded development rights to real property, capital equipment (including but not limited to lifts and snowmaking equipment), buildings, fixtures, inventories, contracts (including but not limited to customer contracts), customer lists, marketing or consumer surveys relating to Waterville Valley, permits (including but not limited to environmental permits and all permits from the United States Forest Service), all work in progress on permits or studies undertaken in order to obtain permits, plans for design or redesign of ski trails, trucks and other vehicles, interests, assets or improvements related to the provision of skiing services to customers at the Waterville Valley resort (collectively "Waterville Valley"); and

(2) all rights, titles and interests, including all fee and all leasehold and renewal rights, in ASC's Mt. Cranmore resort in North Conway, New Hampshire, including, but not limited to, all real property (including but not limited to property owned in fee or through a lease or special use permit from the United States Forest Service), deeded development rights to real property, capital equipment (including, but not limited to, lifts and snowmaking equipment), buildings, fixtures, inventories, contracts (including, but not limited to, customer contracts), customer lists, marketing or consumer surveys relating to Mt. Cranmore, permits (including, but not limited to,

environmental permits and all permits from the National Forest Service), all work in progress on permits or studies undertaken in order to obtain permits, plans for design or redesign of ski trails, trucks and other vehicles, interests, assets or improvements related to the provision of skiing services to customers at the Mt. Cranmore resort; (collectively "Mt. Cranmore"); provided, however that Mt. Cranmore shall not include the 81.9 acres of real estate identified in the subdivision application filed by Mt. Cranmore, Inc. with the town of North Conway, New Hampshire, unless plaintiff, in its sole discretion, determines that such 81.9 acres must be divested for the purchaser of Mt. Cranmore to satisfy the criteria set forth in Section IV (G) of the Final Judgment.

D. "Skiing services" means all services related to providing access to downhill skiing and snowboarding, including, but not limited to, providing lifts, skiing lessons, ski patrol, snowmaking, design, building, and grooming of trails, and ancillary services such as food service, entertainment, and lodging.

III. Applicability

A. The provisions of this Final Judgment apply to defendants, their successors and assigns, subsidiaries, directors, officers, managers, agents, and employees, and all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Defendants shall require, as a condition of the sale or other disposition of all or substantially all of the Divestiture Assets, that the purchaser or purchasers agree to be bound by the provisions of this Final Judgment.

IV. Divestitures

A. Defendants are hereby ordered and directed, in accordance with the terms of this Final Judgment, within one hundred and eighty (180) calendar days after the filing of this Final Judgment, to divest the Divestiture Assets to a purchaser or purchasers.

B. Divestiture of defendants' leasehold interests, if any, in the Divestiture Assets shall be by transfer of the entire leasehold interest, which shall be for the entire remaining term of such leasehold, including any renewal rights.

C. Defendants agree to use their best efforts to accomplish the divestitures as expeditiously and timely as possible. Plaintiff, in its sole discretion, may extend the time period for any divestiture for two additional periods of

time not to exceed ninety (90) calendar days in toto.

D. In accomplishing the divestitures ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendant shall inform any person making an inquiry regarding a possible purchase that the sale is being made pursuant to this Final Judgment and provide such person with a copy of this Final Judgment. Defendants shall make known to any person making an inquiry regarding a possible purchase of the Divestiture Assets that the assets described in Section II (C) are being offered for sale and that Waterville Valley and Mt. Cranmore may be purchased as a two resort package or sold separately to different purchasers. Defendants shall also offer to furnish to all bona fide prospective purchasers, subject to customary confidentiality assurances, all information regarding the Divestiture Assets customarily provided in a due diligence process except such information subject to attorney-client privilege or attorney work-product privilege. Defendants shall make available such information to plaintiff at the same time that such information is made available to any other person.

E. Defendants shall not interfere with any negotiations by any purchaser or purchasers to employ any employee of the defendants who works at Waterville Valley or Mt. Cranmore, or whose employment substantially relates to the provision of skiing services at Waterville Valley or Mt. Cranmore, or whose responsibilities include the management of or marketing for Waterville Valley or Mt. Cranmore.

F. Defendants shall permit prospective purchasers of the Divestiture Assets to have access to personnel and to make such inspection of the Divestiture Assets, and any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

G. Unless plaintiff otherwise consents in writing, the divestiture pursuant to Section IV (A), or by the trustee appointed pursuant to Section V of this Final Judgment, shall include all of the Divestiture Assets and be accomplished by selling or otherwise conveying the assets described in Section II (B) to one or two purchasers (or, as provided in Section IV (H) with respect to Mt. Cranmore, several purchasers), in such a way as to satisfy plaintiff, in its sole discretion, that the Divestiture Assets can and will be used by the purchaser or purchasers as part of a viable,

ongoing business or businesses engaged in the provision of skiing services at Waterville Valley and Mt. Cranmore. The divestiture, whether pursuant to Section IV or Section V of this Final Judgment, shall be made to a purchaser or purchasers for whom it is demonstrated to plaintiff's sole satisfaction that: (1) the purchaser or purchasers have the capability and intent of competing effectively in the provision of skiing services at Waterville Valley and Mt. Cranmore; (2) the purchaser or purchasers have or soon will have the managerial, operational, and financial capability to compete effectively in the provision of skiing services at Waterville Valley and Mt. Cranmore; and (3) none of the terms of any agreement between the purchaser or purchasers and defendants give defendants the ability unreasonably to raise the purchaser's or purchasers' costs, to lower the purchaser's or purchasers' efficiency, or otherwise to interfere in the ability of the purchaser and purchasers to compete effectively in the provision of skiing services at Waterville Valley and Mt. Cranmore.

H. Defendants may divest the Mt. Cranmore sports center, the Mt. Cranmore tennis stadium and the development rights to land owned by the Nature Conservancy (which land is adjacent to Mt. Cranmore) to separate purchasers, provided that plaintiff, in its sole discretion, first determines that the purchaser of the remaining assets of Mt. Cranmore satisfies the criteria set forth in Section IV(G) of the Final Judgment.

V. Appointment of Trustee

A. In the event that defendants have not divested the Divestiture Assets within the time specified in Sections IV (A) or (C) of this Final Judgment, the Court shall appoint, on application of the United States, a trustee selected by the United States to effect the divestiture of the Divestiture Assets.

B. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell the Divestiture Assets. The trustee shall have the power and authority to accomplish the divestiture at the best price then obtainable upon a reasonable effort by the trustee, subject to the provisions of Sections V and VI of this Final Judgment, and shall have such other powers as the Court shall deem appropriate. Subject to Section V(C) of this Final Judgment, the trustee shall have the power and authority to hire at the cost and expense of defendants any investment bankers, attorneys, or other agents reasonably necessary in the judgment of the trustee to assist in the divestiture, and such professionals and

agents shall be accountable solely to the trustee. The trustee shall have the power and authority to accomplish the divestiture at the earliest possible time to a purchaser or purchasers acceptable to plaintiff, and shall have such other powers as this Court shall deem appropriate. Defendants shall not object to a sale by the trustee on any grounds other than the trustee's malfeasance. Any such objections by defendant must be conveyed in writing to plaintiff and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section VI of this Final Judgment.

C. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from the sale of the assets sold by the trustee and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to ASC and the trust shall then be terminated. The compensation of such trustee and of any professionals and agents retained by the trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished.

D. Defendants shall use their best efforts to assist the trustee in accomplishing the required divestiture. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities of defendants, and defendants shall develop financial or other information relevant to such assets as the trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information. Defendants shall take no action to interfere with or to impede the trustee's accomplishment of the divestiture.

E. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. If the trustee has not accomplished such divestiture within six (6) months after its appointment, the trustee thereupon shall file promptly with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in

the trustee's judgment, that the required divestiture has not been accomplished, and (3) the trustee's recommendations; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall enter thereafter such orders as it shall deem appropriate in order to carry out the purpose of the trust, which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

VI. Notification

Within two (2) business days following execution of a definitive agreement, contingent upon compliance with the terms of this Final Judgment, to effect, in whole or in part, any proposed divestiture pursuant to Sections IV or V of this Final Judgment, defendants or the trustee, whichever is then responsible for effecting the divestiture, shall notify plaintiff of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the assets that are the subject of the binding contract, together with full details of same. Within fifteen (15) calendar days of receipt by plaintiff of such notice, plaintiff may request from defendants, the proposed purchaser or purchasers, any other third party, or the trustee if applicable additional information concerning the proposed divestiture and the proposed purchaser or purchasers. Defendants and the trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after plaintiff has been provided the additional information requested from defendants, the proposed purchaser or purchasers, any third party, and the trustee, whichever is later, plaintiff shall provide written notice to defendants and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If plaintiff provides written notice to defendants and the trustee that it does not object, then the divestiture

may be consummated, subject only to defendants' limited right to object to the sale under Section V(B) of this Final Judgment. Absent written notice that plaintiff does not object to the proposed purchaser or upon objection by plaintiff, a divestiture proposed under Section IV shall not be consummated. Upon objection by plaintiff, or by defendants under the proviso in Section V(B), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Affidavits

A. Within twenty (20) calendar days of the filing of this Final Judgment and every thirty (30) calendar days thereafter until the divestitures have been completed whether pursuant to Section IV or Section V of this Final Judgment, ASC shall deliver to plaintiff an affidavit as to the fact and manner of defendants' compliance with Sections IV or V of this Final Judgment. Each such affidavit shall include, inter alia, the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period.

B. Within twenty (20) calendar days of the filing of this Final Judgment, ASC shall deliver to plaintiff an affidavit which describes in detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to preserve the Divestiture Assets pursuant to Section IX of this Final Judgment and describes the functions, duties and actions taken by or undertaken at the supervision of the individual(s) described at Section IX(F) of this Final Judgment with respect to defendants' efforts to preserve the Divestiture Assets. The affidavit also shall describe, but not be limited to, defendants' efforts to maintain and operate Waterville Valley and Mt. Cranmore as active competitors, maintain the management, sales, marketing and pricing of Waterville Valley and of Mt. Cranmore apart from that of defendants' other businesses that provide skiing services, maintain and increase sales of skiing services at Waterville Valley and at Mt. Cranmore, and maintain the Divestiture Assets in operable condition, continuing normal maintenance. ASC shall deliver to plaintiff an affidavit describing any changes to the efforts and actions outlined in defendants' earlier

affidavit(s) filed pursuant to this Section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall preserve all records of all efforts made to preserve and divest the Divestiture Assets.

VIII. Financing

With prior written consent of the plaintiff, defendants may finance all or any part of any purchase made pursuant to Sections IV or V of this Final Judgment.

IX. Preservation of Assets

Until the divestitures required by the Final Judgment have been accomplished:

A. Defendants shall take all steps necessary to ensure that the Divestiture Assets will be maintained and operated as independent, ongoing, economically viable and active competitors in the provision of skiing services; and that, except as necessary to comply with Sections IX(B) to IX(F) of this Final Judgment, the management of the Divestiture Assets shall be kept separate and apart from the management of defendants' other ski resorts and will not be influenced by defendants and the books, records, and competitively sensitive sales, marketing and pricing information associated with the Divestiture Assets will be kept separate and apart from that of defendants; other businesses that provide skiing services.

B. Defendants shall use all reasonable efforts to maintain and increase sales of skiing services at Waterville Valley and at Mt. Cranmore, and defendants shall maintain at 1995 or previously approved levels, whichever are higher, promotional, advertising, sales, marketing and merchandising support for skiing services sold at Waterville Valley and at Mt. Cranmore. Defendants' sales and marketing employees responsible for sales of skiing services at Waterville Valley and at Mt. Cranmore shall not be transferred or reassigned to other ski resorts owned by defendant.

C. Defendants shall take all steps necessary to ensure that the Divestiture Assets are fully maintained in operable condition and shall maintain and adhere to normal maintenance schedules for the Divestiture Assets.

D. Defendants shall continue all efforts in progress to obtain permits for either Waterville Valley or Mt. Cranmore, including, but not limited to, efforts to obtain permits that will allow the building of ponds for the storage of water for snowmaking, provided that defendants will not be required to add any of the permitted ponds.

E. Defendants shall provide and maintain sufficient lines of sources of

credit to maintain the Divestiture Assets as viable, ongoing businesses.

F. Defendants shall provide and maintain sufficient working capital to maintain the Divestiture Assets as viable ongoing businesses.

G. Defendants shall not, except as part of a divestiture approved by plaintiff, remove, sell, or transfer any of the Divestiture Assets, other than sales in the ordinary course of business.

H. Unless they have obtained the prior approval of the United States, defendants shall refrain from terminating or reducing any current employment, salary, or benefit agreements for any personnel employed by defendants who works at Waterville Valley or Mt. Cranmore, except in the ordinary course of business.

I. Defendants shall take no action that would jeopardize their ability to divest the Divestiture Assets as viable, ongoing businesses.

J. Defendants shall appoint a person or persons to oversee the Divestiture Assets, and who will be responsible for defendant's compliance with Section IX of this Final Judgment.

X. Compliance Inspection

Only for the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the United States Department of Justice, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

(1) Access during office hours of defendants to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to enforcement of this Final Judgment; and

(2) Subject to the reasonable convenience of defendants and without restraint or interference from it, to interview its officers, employees, and agents, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to defendants' principal offices, defendants shall submit such written reports, under oath if requested, with respect to enforcement of this Final Judgment.

C. No information or documents obtained by the means provided in Section X of this Final Judgment shall

be divulged by a representative of plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to plaintiff, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) calendar days notice shall be given by plaintiff to defendants prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XII. Termination

Unless this Court grants an extension, this Final Judgment will expire on the tenth anniversary of the date of its entry.

XIII. Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____

United States District Judge
UNITED STATES OF AMERICA,
PLAINTIFF, versus AMERICAN SKIING
COMPANY, and S-K-I LIMITED, Defendants.
Civil Action No.: 96-01308TPJ.
Filed: June 18, 1996.

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States filed a civil antitrust Complaint on June 11, 1996, alleging that American Skiing Company's ("ASC") proposed acquisition of the ski resorts of S-K-I Limited ("S-K-I") would violate section 7 of the Clayton Act, 15 U.S.C. § 18. The Complaint alleges that ASC and S-K-I are the two largest owner/operators of ski resorts in New England, and that this transaction would combine eight of the largest ski resorts in this region. In particular, this acquisition would increase substantially the concentration among ski resorts to which eastern New England residents (i.e., those in Maine, eastern Massachusetts and Connecticut, and Rhode Island) practicably can go for weekend ski trips, and to which Maine residents practicably can go for day ski trips. As a result, this acquisition threatens to raise the price of, or reduce discounts for, weekend and day skiing to consumers living in these areas in violation of section 7 of the Clayton Act. The prayer for relief in the Complaint seeks: (1) a judgment that the proposed acquisition would violate section 7 of the Clayton Act, 15 U.S.C. 18; and (2) a permanent injunction preventing ASC from acquiring control of S-K-I's ski resorts, or otherwise combining such businesses with ASC's own business in the United States.

At the same time the Complaint was filed, the United States also filed a proposed settlement that would permit ASC to complete its acquisition of S-K-I's ski resorts, but require certain divestitures that would preserve competition for skiers in eastern New England and Maine. This settlement consists of a Stipulation and a proposed Final Judgment.

The proposed Final Judgment orders the parties to sell all of S-K-I's rights, titles, and interests in the Waterville Valley resort in Campton, New Hampshire, and all of ASC's rights, titles, and interests in the Mt. Cranmore resort in North Conway, New Hampshire, to one or more purchasers who have the capability to compete effectively in the provision of skiing for skiers in eastern New England and Maine at Waterville Valley and Mt. Cranmore. The parties must complete the divestiture of these ski resorts and related assets within one hundred and eighty (180) calendar days after the filing of the proposed Final Judgment in accordance with the procedures specified therein.

The Stipulation and proposed Final Judgment also impose a hold separate agreement that requires defendants to ensure that, until the divestiture

mandated by the Final Judgment has been accomplished, S-K-I's Waterville Valley and ASC's Mt. Cranmore operations will be held separate and apart from, and operated independently of, defendants' other assets and businesses. Defendants must preserve and maintain the ski resorts to be divested as saleable and economically viable, ongoing concerns, with competitively sensitive business information and decisionmaking divorced from that of defendants' ski resorts. Defendants will appoint a person or persons to monitor and ensure their compliance with these requirements of the proposed Final Judgment.

The United States, ASC, and S-K-I have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation

A. The Parties and the Proposed Transaction

ASC, A Maine corporation headquartered in Newry, Maine, owns four ski resorts: Sunday River in Maine, Attitash/Bear Peak and Mt. Cranmore in New Hampshire, and Sugarbush in Vermont. During the 1994-95 ski season, ASC resorts accounted for 1.1 million skier days. ASC had revenues of over \$58 million in 1995.

S-K-I, a Delaware corporation headquartered in West Lebanon, New Hampshire, also owns four ski resorts: Killington and Mt. Snow/Haystack in Vermont, Waterville Valley in New Hampshire, and a 51 percent interest in Sugarloaf in Maine. During the 1994-95 ski season, S-K-I resorts accounted for 1.8 million skier days. S-K-I had revenues of more than \$109 million in 1995.

On February 13, 1996, ASC agreed to acquire all the common stock of S-K-I for approximately \$137 million, which includes the assumption of certain liabilities. Pursuant to the purchase agreement, ASC would acquire all of the ski resort services and operations of S-K-I and its subsidiaries as well as its 51 percent interest in Sugarloaf. This proposed transaction combining the two largest owner/operators of ski resorts in

New England precipitated the government's suit.

B. The Skiing Market

The Complaint alleges that the provision of weekend and day skiing constitutes a line of commerce, or relevant product market, for antitrust purpose, and that eastern New England and Maine constitute relevant geographic markets. Within eastern New England and Maine, the Complaint alleges the effect of ACS's acquisition would be to lessen competition substantially in the provision of skiing.

The business of skiing comprises all services related to providing access to downhill skiing and snowboarding, including, but not limited to, providing lifts, ski patrol, snowmaking, design, building, and grooming of trails, skiing lessons, and ancillary services such as food service, entertainment, and lodging.

Most skiers must travel some distance from their homes to ski. Consequently, depending on, among other things, the duration of a given ski trip, the number of resorts practicably available to a skier will vary according to the time and expense required to travel to, and the qualitative aspects of, the possible alternatives.

The duration of a ski trip and the distance traveled by the skier can be identified easily by ski resorts. As a consequence, ski resorts can and do offer different prices to skiers depending on where they come from and how long they plan to stay at the resort. For example, consecutive-day passes can be offered at discount off the single day ticket to attract weekend skiers. Discounts can be given to a skier who presents a driver's license from a more distant state without the same discounts being offered to local residents, who may have fewer choices. Also, coupons can be put in local papers or sent out by direct mail, targeted to skiers in particular geographic areas. Promotions can be targeted to skiers in defined locations without significant risk that skiers in other locations will be able to learn about and take advantage of the lower price being offered to others. In addition, ski resorts routinely offer discounts on lift ticket prices when tickets are packaged with lodging, either by offering such "ski and stay" packages directly to skiers or by selling discounted lift tickets to the owner of a hotel or inn, who in turn sells a package to skiers. As a result, ski resorts can and do routinely charge different prices for skiing depending on the length of stay and the residence of the skier. Downhill skiing differs from other winter recreational activities, such as cross-

country skiing, ice skating, snowmobiling, sleigh rides, tobogganing, ice fishing, and taking cruises to places with hot climates. Small but significant and nontransitory increase in prices for skiing would not cause a significant number of downhill skiers to substitute other winter recreational activities for skiing.

Moreover, geographic markets for skiing are regional. Skiers are not willing to travel an unlimited distance to ski. Traveling to distant ski resorts imposes a burden on the skier, either in the form of excessive driving time or of a large additional expense for airfare. However, the longer the ski trip, the greater a skier's willingness to travel. Thus, distance a skier will travel to a ski resort depends in part on the length of time that skier will stay at the resort and on the qualitative characteristics of the resort.

C. Competition Between ASC and S-K-I

ASC and S-K-I compete directly to provide skiing to both eastern New England weekend skiers and Maine day skiers.

Eastern New England Weekend Skiers

ASC and S-K-I both provide skiing to eastern New England weekend skiers at each of their ski resorts. Eastern New England residents can practicably turn only to a limited number of resorts with adequate services (e.g., accommodations, number and variety of trails, and other amenities) in Maine, New Hampshire, and Vermont for weekend skiing trips. These are the resorts that have the necessary qualities and are within a reasonable traveling distance for eastern New England weekend skiers.

Smaller ski resorts and resorts located farther away cannot and after this transaction would not constrain prices charged to weekend skiers living in eastern New England. Although eastern New England skiers occasionally choose to ski at such smaller or more distant resorts, skiing at such resorts is not a practical or economic alternative for most eastern New England weekend skiers most of the time.

Ski resorts in Maine, New Hampshire, and Vermont that have the necessary qualities and services to attract weekend skiers from eastern New England can charge different prices to these skiers than they charge to others. Eastern New England weekend skiers can be identified easily by the ski resorts that are reasonable alternatives for these consumers. These ski resorts can charge eastern New England weekend skiers prices that differ from prices charged to

day skiing customers, to customers coming from other parts of the country, or to customers who stay longer than a weekend. Ski resorts can offer coupons for discounted lift tickets packaged with lodging and/or airfare, either through direct mail or through advertising in local papers, in, for example, the New York, Washington D.C., or Atlanta metropolitan areas, and not offer such coupons in eastern New England. A single firm controlling all the resorts in Maine, New Hampshire, and Vermont with adequate services for weekend skiing would be able to raise prices a small but significant amount to eastern New England weekend skiers without losing so much business as to make the price increase unprofitable.

Thus, the provision of weekend skiing to eastern New England residents is a relevant market (i.e., a line of commerce and a section of the country) within the meaning of Section 7 of the Clayton Act, and ASC and S-K-I compete directly in this market.

Maine Day Skiers

ASC provides skiing to Maine day skiers primarily at its Sunday River, Attitash/Bear Peak, and Mt. Cranmore ski resorts. S-K-I provide skiing to Maine day skiers primarily at its Sugarloaf and Waterville Valley ski resorts. Maine residents can practicably turn only to resorts in Maine and eastern New Hampshire for day skiing trips. These are the resorts that are within a reasonable traveling distance for Maine day skiers.

Ski resorts located farther from Maine cannot and after this transaction would not constrain prices charged to day skiers living in Maine. Although Maine skiers occasionally choose to ski at such more distant resorts, skiing at such resorts is not a practical or economic alternative for most Maine day skiers most of the time.

Ski resorts in Maine and eastern New Hampshire can charge prices to Maine day skiers different from prices they charge to other skiers. Maine day skiers can be identified easily by the ski resorts that are reasonable alternatives for these consumers. These ski resorts can charge Maine day skiers prices that differ from prices charged to out-of-state skiers or to Maine skiers who stay multiple days. A single firm controlling all the ski resorts in Maine and eastern New Hampshire would be able to raise prices a small but significant amount to Maine day skiers without losing so much business as to make the price increase unprofitable.

Thus, the provision of day skiing to Maine residents is a relevant market (i.e., a line of commerce and a section

of the country) within the meaning of section 7 of the Clayton Act, and ASC and S-K-I compete directly in this market.

D. Anticompetitive Consequences of the Acquisition

The Complaint alleges that the acquisition of S-K-I by ASC would substantially lessen competition. The transaction would have the following effects, among others:

1. Competition generally in providing skiing to eastern New England weekend skiers would be lessened substantially;
2. Actual competition between ASC and S-K-I in providing skiing to eastern New England weekend skiers would be eliminated;
3. Discounting to eastern New England weekend skiers by ASC and S-K-I resorts would likely be reduced or eliminated;
4. Prices for skiing to eastern New England weekend skiers would be likely to increase;
5. Competition generally in providing skiing to Maine day skiers would be lessened substantially;
6. Actual competition between ASC and S-K-I in providing skiing to Maine day skiers would be eliminated;
7. Discounting to Maine day skiers by ASC and S-K-I resorts would likely be reduced or eliminated; and,
8. Prices for skiing to Maine day skiers would be likely to increase.

Moreover, the Complaint alleges that the combination of ASC and S-K-I would substantially increase concentration in the eastern New England weekend skier market and Maine day skier market using the Herfindahl-Hirschman Index ("HHI") (explained in Appendix A to the Complaint) as a measure of market concentration. The approximate post-merger HHI for eastern New England weekend skiing, based on the 1994-95 total skier days of ski resorts located in Maine, New Hampshire, and Vermont capable of attracting and accommodating weekend skiers, would be approximately 2100 with a change in HHI of about 900 points. The approximate post-merger HHI for Maine day skiing, based on the 1994-95 total skier days of ski resorts located in Maine and eastern New Hampshire, would be over 2900 with a change in HHI of over 1200 points.

Finally, the Complaint alleges that successful entry or expansion in the skiing business would be difficult, time consuming, and costly, as well as extremely unlikely. Entry or expansion therefore would not be timely, likely, or sufficient to prevent any harm to competition.

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment would preserve competition for skiers in the operation of ski resorts in eastern New England and Maine. Within one hundred and eighty (180) calendar days after filing the proposed Final Judgment, defendants must sell all of S-K-I's rights, titles, and interests in the Waterville Valley resort in Campton, New Hampshire, and all of ASC's rights, titles, and interests in the Mt. Cranmore resort in North Conway, New Hampshire, to one or more purchasers. The assets and interests will be sold to one or more purchasers who demonstrate to the sole satisfaction of the United States that they will be an economically viable and effective competitor, capable of maintaining or surpassing ASC's and S-K-I's pre-acquisition market performance in the operation of ski resorts in the New England region.

The divestitures ordered in the proposed Final Judgment will resolve the anticompetitive problems raised by the proposed transaction. With these divestitures, the post-merger HHI for the eastern New England weekend skiing market will be below 1800, and the parties' post-merger share of that market will be less than 40 percent. The post-merger HHI for the Maine day skiing market will be slightly over 1900 with these divestitures, and the parties' post-merger share of that market will be less than 35 percent. Given these post-divestiture HHI levels, the combined firm's post-divestiture market shares, and the number and size of independent ski resorts remaining in the affected markets, the proposed transaction is not likely to lead to a unilateral anticompetitive effect or to a higher probability of coordinative behavior, provided the divestitures are made.

Until the ordered divestitures take place, defendants must take all reasonable steps necessary to accomplish the divestitures, and cooperate with any prospective purchaser. If defendants do not accomplish the ordered divestiture within the specified one hundred and eighty (180) calendar day time period, which may be extended up to ninety (90) calendar days by the United States, the proposed Final Judgment provides for procedures by which the Court shall appoint a trustee to complete the divestitures. In that case defendants must cooperate fully with the trustee.

If a trustee is appointed, the proposed Final Judgment provides that defendants will pay all costs and expenses of the trustee. The trustee's

compensation will be structured so as to provide an incentive for the trustee to obtain the highest price for the assets to be divested, and to accomplish the divestiture as quickly as possible. After the effective date of his or her appointment, the trustee shall serve under such other conditions as the Court may prescribe. After his or her appointment becomes effective, the trustee will file monthly reports with the parties and the Court, setting forth the trustee's efforts to accomplish the divestiture. At the end of six (6) months, if the divestiture has not been accomplished, the trustee shall file promptly with the Court a report that sets forth: (1) The trustee's efforts to accomplish the divestiture, (2) the reasons, in the trustee's judgment, why the divestiture has not been accomplished, and (3) the trustee's recommendations. The trustee's report will be furnished to the parties and shall be filed in the public docket, except to the extent the report contains information the trustee deems confidential. The parties each will have the right to make additional recommendations to the Court. The Court shall enter such orders as it deems appropriate to carry out the purpose of the trust.

The proposed Final Judgment also imposes a hold separate agreement that requires defendants to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, S-K-I's Waterville Valley and ASC's Mt. Cranmore operations will be held separate and apart from, and operated independently of, defendants' other assets and businesses.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against ASC or S-K-I.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court

after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the Federal Register. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The comments and the response of the United States will be filed with the Court and published in the Federal Register.

Written comments should be submitted to: Craig W. Conrath, Chief, Merger Task Force, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 4000, Washington, D.C. 20530. The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits of its Complaint against ASC and against S-K-I. The United States is satisfied, however, that the divestiture of the assets and other relief contained in the proposed Final Judgment will preserve viable competition in the operation of ski resorts that otherwise would be affected adversely by the acquisition. Thus, the proposed Final Judgment would achieve the relief the government would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the government's Complaint.

VII. Standard of Review Under the APPA for Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty (60) day comment period, after which the court shall determine whether entry of the proposed Final Judgment "is in the public interest." In

making that determination, the court may consider—

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e) (emphasis added). As the United States Court of Appeals for the D.C. Circuit recently held, this statute permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States v. Microsoft*, 56 F.3d 1448, 1461-62 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."¹ Rather, absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. Mid-America Dairymen, Inc., 1997-1 Trade Gas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th

¹ 119 Cong. Rec. 24598 (1973). *See United States v. Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See H.R. Rep. 93-1463*, 93rd Cong. 2d Sess. 8-9, reprinted in (1974) U.S. Code Cong. & Ad. News 6535, 6538.

Cir.), *cert. denied*, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1460–62. Precedent requires that

the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.²

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' (citations omitted)." ³

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Respectfully submitted,

Burney P.C. Huber,

Attorney, D.C. Bar #181818, Dept. of Justice, Antitrust Division, 1401 H Street, NW., Suite 4000, Washington, DC 20530, (202) 307-1858.

June 18, 1996.

[FR Doc. 96-16497 Filed 6-27-96; 8:45 am]

BILLING CODE 4410-01-M

² *United States v. Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); see *United States v. BNS, Inc.*, 858 F.2d at 463; *United States v. National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States v. Gillette Co.*, 406 F. Supp. at 716. See also *Microsoft*, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.'") (citations omitted).

³ *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 150 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983), quoting *United States v. Gillette Co.*, *supra*, 406 F. Supp. at 716; *United States v. Alcan Aluminum Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Notice Pursuant to the National Cooperative Research and Production Act of 1993—E&P Technology Cooperative

Notice is hereby given that, on June 6, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), E&P Technology Cooperative, a non-profit joint research and development venture, has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: BP Oil Company, Cleveland, OH; The British Petroleum Company plc, London EC2M 7 BA, ENGLAND; BP Exploration Operating Company Limited, Poole Dorset BH16 6LS, ENGLAND; BP Exploration & Oil Inc., Cleveland, OH; Chevron Corporation, San Francisco, CA; Chevron Petroleum Technology Company, Houston, TX; Mobil Corporation, Fairfax, VA; Mobile Technology Company, Fairfax, VA; Texaco, Inc., White Plains, NY; and Texaco Group Inc., White Plains, NY. The objectives of the venture are as follows: The members of the program intend to support research activities that will create or drive the creation of new technologies to benefit their businesses. Examples of such research include innovations in drilling, recovery technology and data management. They expect the products of their research will materially impact business performance by lowering costs, shortening cycle time and/or improving recovery. In general, the members also intend to identify innovative approaches and attract and recruit the best talent in a variety of disciplines to solve the challenges of the future. It is the intention of the members to make the results of their projects available to others in the industry.

Information regarding participating in the Group may be obtained from Richard J. Goetsch, Esq., BP Oil Company, Terry Calvani, Esq., on behalf of Chevron Corporation, Carter B. Simpson, Esq., Mobil Corporation, and Robert D. Wilson, Esq., Texaco, Inc. Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96-16513 Filed 6-27-96; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant To the National Cooperative Research and Production Act of 1993 National Electronics Manufacturing Initiative

Notice is hereby given that, on June 6, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Electronics Manufacturing Initiative ("NEMI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to § 6(b) of the Act, the identities of the parties are: Adept Technology, Inc., San Jose, CA; AMP Incorporated, Harrisburg, PA; American Electronics Association, Washington, DC; Camelot Systems, Inc., Haverhill, MA; Chad Industries, Orange, CA; Cimetrix, Inc., Provo, UT; Compaq Computer Corporation, Houston, TX; Delco Electronics Corporation, Kokomo, IN; Dover Technologies International, Binghamton, NY; DuPont Electronics, Research Triangle Park, NC; Everett Charles Technologies, Pomona, CA; GR Technologies, Concord, MA; HADCO Corporation, Salem, NH; IPC/ITRI, Northbrook, IL; Lawrence Livermore National Laboratory, Livermore, CA; Lucent Technologies, Princeton, NJ; MCNC, Research Triangle Park, NC; Microelectronics and Computer Technology Corporation ("MCC"), Austin, TX; Morton Electronic Materials, Tustin, CA; Motorola, Inc., Schaumburg, IL; National Institute of Standards and Technology ("NIST"), Gaithersburg, MD; Kulicke and Soffa Industries, Inc., Willow Grove, PA; MPM Corporation, Franklin, MA; Northrop Grumman Corporation, Baltimore, MD; Sheldahl, Inc., Northfield, MN; Solecron Corporation, Milpitas, CA; and Texas Instruments Incorporated, Temple, TX.

NEMI's area of planned activity is to perform research and infrastructure development with a technical focus on the manufacturing of electronic information products that connect to information networks. Three initial thrust areas are the creation of a technology requirements roadmap; the setting of technical goals for materials and equipment suppliers; and the initiation of research, development, and deployment projects with suppliers in conjunction with the aforementioned goals. The parties will collect, exchange,

and where appropriate, license or make public the results of the research and development, work closely with various governmental and private agencies and perform future acts as allowed by the Act that would advance the venture objectives.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96-16512 Filed 6-27-96; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1994, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue

current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and States:

Volume I

Maine

ME960043 (June 28, 1996)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of Publication in the Federal Register are

in parentheses following the decisions being modified.

Volume I

Maine

ME960019 (March 15, 1996)

ME960020 (March 15, 1996)

ME960021 (March 15, 1996)

ME960022 (March 15, 1996)

ME960023 (March 15, 1996)

New York

NY960046 (March 15, 1996)

Maine

Index

Volume II

Delaware

DE960001 (March 15, 1996)

DE960002 (March 15, 1996)

DE960004 (March 15, 1996)

DE960005 (March 15, 1996)

DE960008 (March 15, 1996)

DE960009 (March 15, 1996)

Volume III

Georgia

GA960085 (March 15, 1996)

Kentucky

KY960001 (March 15, 1996)

KY960003 (March 15, 1996)

KY960004 (March 15, 1996)

KY960007 (March 15, 1996)

KY960025 (March 15, 1996)

KY960027 (March 15, 1996)

KY960029 (March 15, 1996)

KY960035 (March 15, 1996)

Volume IV

None

Volume V

Iowa

IA960004 (March 15, 1996)

IA960014 (March 15, 1996)

Kansas

KS960008 (March 15, 1996)

VI

Arizona

AR960001 (March 15, 1996)

AR960002 (March 15, 1996)

AR960004 (March 15, 1996)

AR960005 (March 15, 1996)

AR960006 (March 15, 1996)

AR960010 (March 15, 1996)

AR960011 (March 15, 1996)

AR960012 (March 15, 1996)

AR960013 (March 15, 1996)

AR960014 (March 15, 1996)

AR960015 (March 15, 1996)

AR960016 (March 15, 1996)

AR960017 (March 15, 1996)

AR960018 (March 15, 1996)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository

Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 21st day of June 1996.

Philip J. Gloss,
Chief, Branch of Construction Wage Determinations.

[FR Doc. 96-16280 Filed 6-27-96; 8:45 am]

BILLING CODE 4510-27-M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors' Operations and Regulations Committee

TIME AND DATES: The Operations and Regulations Committee of the Legal Services Corporation's Board of Directors will meet on July 8-10, 1996. The meeting will begin at 10:30 a.m. on July 8, 1996, and continue on July 9 and 10 until conclusion of the committee's agenda.

LOCATION: Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336-8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of February 23 and May 19, 1996, Operations and Regulations Committee meetings.
3. Consider and act on draft interim revisions to 45 CFR Part 1620, the Corporation's regulation on priorities in the allocation of resources.
4. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1636) on disclosure of plaintiff identity and statement of facts.

5. Consider and act on draft interim revisions to 45 CFR Part 1617, the Corporation's regulation on class actions.

6. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1638) restricting solicitation of clients by grantees.

7. Consider and act on draft interim revisions to 45 CFR Part 1610, the Corporation's regulation on the use of funds from sources other than the Corporation.

8. Consider and act on draft interim revisions to 45 CFR Part 1632, the Corporation's regulation on redistricting activities.

9. Consider and act on draft interim revisions to 45 CFR Part 1626, the Corporation's regulation restricting legal assistance to aliens.

10. Consider and act on draft interim revisions to 45 CFR Part 1633, the Corporation's regulation restricting representation in certain eviction proceedings.

11. Consider and act on draft interim revisions to 45 CFR Part 1627, the Corporation's regulation on subgrants, fees and dues.

12. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1640) applying federal waste, fraud and abuse law to LSC funds.

13. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1637) restricting grantees' participation in litigation on behalf of prisoners.

14. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1639) proscribing grantees' involvement in challenges to welfare reform.

15. Consider and act on draft interim revisions to 45 CFR Part 1612, the Corporation's regulation restricting lobbying and certain other activities by grantees.

16. Consider and act on proposed revisions to 45 CFR Part 1609, the Corporation's regulation on fee-generating cases.

17. Consider and act on a draft interim regulation (to be codified as 45 CFR Part 1642) governing grantees' collection of attorneys' fees.

18. Consider and act on other business.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, General Counsel & Corporate Secretary, (202) 336-8813.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Barbara Asante, at (202) 336-8892.

Dated: June 26, 1996.
Victor M. Fortuno,
General Counsel and Corporate Secretary.
[FR Doc. 96-16754 Filed 6-26-96; 3:35 pm]

BILLING CODE 7050-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (96-065)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Containerless Processing, Inc., of Evanston, Illinois, has applied for an exclusive, license to practice the invention described in U.S. Patent No. 4,521,854, entitled "Closed Loop Electrostatic Levitation System," which was issued on June 4, 1985, to the United States of America as represented by the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Thomas H. Jones, Patent Counsel, NASA Management Office-JPL.

DATES: Responses to this notice must be received by August 27, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas H. Jones, Patent Counsel, NASA Management Office-JPL, Mail SPJ, Pasadena, CA 91109; telephone (818) 354-5179.

Dated: June 24, 1996.
Edward A. Frankle,
General Counsel.
[FR Doc. 96-16601 Filed 6-27-96; 8:45 am]
BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Number 40-6659]

Petrotomics Company; Receipt of Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Application from Petrotomics Company to change a site-reclamation milestone in License Condition 50 of Source Material License SUA-551 for the Shirley Basin, Wyoming Uranium Mill site; Notice of Opportunity for a Hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated May 22, 1996, an application from Petrotomics Company (Petrotomics) to amend License Condition (LC) 50 of Source Material License No. SUA-551 for the Shirley Basin Wyoming uranium mill site. The license amendment application proposes to modify LC 50 to change the

completion date for a site-reclamation milestone. The new date proposed by Petrotomics would extend completion of placement of final radon barrier on a 9-acres portion of the tailings pile by four years, and two months.

FOR FURTHER INFORMATION CONTACT:

Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

SUPPLEMENTARY INFORMATION: The portion of LC 50 with the proposed change would read as follows:

A. (3) Placement of final barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background for:

a. Area of tailings pile not covered by evaporation ponds, except a 9-acres area in the north adjacent to the Stage I Evaporation Pond—October 31, 1997; and

b. 9-acres area in the north adjacent to the Stage I Evaporation Pond—December 31, 2001.

Petrotomics' application to amend LC 50 of Source Material License SUA-551, which describes the proposed change to the license condition and the reasons for the request is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Petrotomics Company, P.O., Box 8509, Shirley Basin, Wyoming 82615, Attention: Ron Juday; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 21th day of June 1996.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96-16557 Filed 6-27-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21 issued to Washington Public Power Supply System (WPPSS, also the licensee) for operation of the WPPSS Nuclear Project No. 2 located on Hanford Reservation in Benton County, Washington.

The proposed amendment would add a reactor water cleanup (RWCU) system high blowdown containment isolation trip function and associated Limiting Condition for Operation (LCO) and surveillance requirements to Technical Specification (TS) Tables 3.3.2-1, 3.3.2-2, and 4.3.2.1-1.

Before issuance of the proposed license amendment, the Commission

will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment incorporates design features being implemented to reduce the detection and isolation time for a postulated High Energy Line Break (HELB) at the piping connection to the Reactor Water Cleanup (RWCU) system blowdown flow control valve. These design features significantly improve the capability to detect and mitigate the effects of the line break and are necessary to resolve Reactor Building environmental concerns. Since the design features are for accident detection and mitigation, they are not considered an accident initiator in the analyses and will not increase the probability of the accident. Moreover, the instrumentation design ensures that no single failure would preclude isolation of the HELB.

The proposed amendment does not remove or modify any existing Technical Specification requirements, but imposes additional requirements related to the new "Blowdown Flow—High" trip function consistent with existing Limiting Condition for Operation (LCO) and surveillance requirements, conservative analyses, and instrumentation setpoint methodologies. These requirements will maintain the Reactor Building environment consistent with the current analyses for the postulated RWCU HELB and provide assurance that the radiological effects of the line break are bounded by the accident analysis for the design basis Main Steam line break (MSLB) outside containment. The calculated offsite doses for the MSLB are less than 10% of the 10 CFR 100 guideline values and meet the acceptance criteria of Standard Review Plan (NUREG-0800) 15.6.4.

On the basis of the information presented above, it is concluded that the change does not involve a significant increase in the

probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any previously evaluated?

This proposed amendment incorporates design features to resolve Reactor Building environmental concerns that resulted from a postulated RWCU HELB that had previously not been fully analyzed. The design features will significantly improve the capability to detect and mitigate the effects of the HELB. The instrumentation design meets the single failure criterion, and a flow switch failure results in fulfillment of the accident safety function of RWCU system isolation. The instrumentation being installed does not represent a new or different kind than currently used in similar safety-related applications in the plant. Furthermore, the flow instrumentation, piping/tubing, and associated supports have been evaluated to withstand the effects of the design basis earthquake (DBE) and the postulated HELB. An environmental qualification evaluation determined that the equipment required to mitigate the HELB or assure safe shutdown can withstand the adverse effects of the HELB.

The proposed amendment does not remove or modify any existing Technical Specification requirements or change the method of plant operation, but imposes additional requirements related to the new "Blowdown Flow—High" trip function consistent with existing LCO and surveillance requirements, conservative analyses, and instrumentation setpoint methodologies. These requirements will maintain the Reactor Building environment consistent with the assumptions used in current analyses for the postulated RWCU HELB and provide assurance that the radiological effects of the line break are bounded by the accident analysis of the design basis MSLB outside containment.

On the basis of the information presented above, it is concluded that the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

This proposed amendment incorporates design features being implemented to reduce the detection and isolation time for a postulated RWCU HELB. The design change complies with applicable codes and standards to meet the safety-related function objective. The instrumentation design meets the single failure criterion, and the flow instrumentation, piping/tubing, and associated supports have been evaluated to withstand the effects of a DBE, and the postulated HELB. Furthermore, an environmental qualification evaluation determined that the equipment required to mitigate the HELB or assure safe shutdown can withstand the adverse effects of the HELB.

The proposed amendment does not remove or modify any existing Technical Specification requirements, but imposes additional requirements related to the new "Blowdown Flow—High" trip function consistent with existing LCO and

surveillance requirements, conservative analyses, and instrument setpoint methodologies. These requirements will maintain the Reactor Building environment consistent with the new analyses for the postulated RWCU HELB and provide assurance that the radiological effects of the line break are bounded by the accident analysis for the design basis MSLB outside containment. The calculated offsite doses for the MSLB are less than 10% of the 10 CFR 100 guideline values and meet the acceptance criteria of Standard Review Plan (NUREG-0800) 15.6.4.

On the basis of the information presented above, it is concluded that the change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of

written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 29, 1996 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended

petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention:

Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William H. Bateman, Director, Project Directorate IV-2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to M. H. Phillips Jr., Esq., Winston & Strawn, 1400 L Street NW, Washington, DC 20005-3512, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 25, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 21st day of June 1996.

For the Nuclear Regulatory Commission.
Timothy G. Colburn,
Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.
[FR Doc. 96-16555 Filed 6-27-96; 8:45 am]
BILLING CODE 7590-01-P

[Docket No. 50-397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21 issued to Washington Public Power Supply System (WPPSS, also the licensee) for operation of the WPPSS Nuclear Project No. 2 located on Hanford Reservation in Benton County, Washington.

The proposed amendment would reflect licensee organizational title changes in Section 6.0 of the Technical Specifications (TS), delete TS 6.2.1.e and revise TS 6.2.1.d to incorporate the quality assurance function per the line item improvement identified in Generic Letter 88-06 dated March 22, 1988, modify TS 6.5.1.2 to specify the composition of the Plant Operations Committee (POC) based on plant functional areas rather than organizational titles, remove the Plant General Manager as Chairman of the POC, and require the Plant General Manager to appoint, in writing, the POC Chairman, Vice-Chairman, members and alternates. The April 22, 1996, application differs from the licensee's previous application dated June 6, 1995, which was noticed in the Federal Register on July 19, 1995 (60 FR 37102), in that the previous application did not propose changes to TS 6.2.1.d and e, and additional organizational changes are included in the more recent proposed TS changes.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The title change for the Assistant Managing Director, Operations [AMDO] to Chief Executive Officer [CEO] is considered a necessary administrative change due to the restructuring of the organization and the elimination of the AMDO position. The TS responsibilities presently associated with the AMDO position will be the responsibility of the CEO position. This change maintains a single corporate executive responsible for overall plant nuclear safety per TS 6.2.1.c. The deletion of the QA organizational reporting requirement in TS 6.2.1.e and the inclusion of the QA organization in TS 6.2.1.d does not diminish the capability of the QA organization to maintain its independent audit and oversight role. These functions are assured through various controls and requirements in the QA program description.

The consolidation of the Technical Services POC position with the Engineering POC position does not impact the ability of the POC to perform their required functions. The consolidation of plant Engineering functions under one organization provides for an improved Engineering focus for plant activities. The addition of Chemistry and Planning/Scheduling/Outage functional areas to the POC membership, in the original amendment request, broadened and strengthened the POC, thus ensuring that the POC will continue to be comprised of experienced personnel, with varied expertise, who are involved in daily plant activities.

The proposed changes do not involve any physical changes to plant systems, structures or components (SSC) or the manner in which the SSC are operated, maintained, modified, tested, or inspected. The changes therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any previously evaluated?

Because the proposed changes are organizational in nature and implementation does not involve physical changes to the plant SSC or the manner in which the SSC are operated and maintained, the proposed changes do not create the possibility of a new or different kind of accident. The proposed changes do not introduce any new modes of operation or alter system setpoints which could create a new or different kind of accident. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. Does the change involve a significant reduction in a margin of safety?

The senior management title change does not impact the management responsibilities or functions associated with ensuring plant safety. Changes proposed in the POC composition will allow the scope of available expertise to be expanded without changing

the POC function or responsibilities. Maintaining the current level of personnel qualifications and experience ensures the POC will continue to meet its TS review and advisory responsibilities. The proposed changes will not impact the basis for any Technical Specification related to the establishment of, or maintenance of, nuclear safety margins. Therefore, operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 29, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the

proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by

the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William H. Bateman, Director, Project Directorate IV-2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to M. H. Phillips Jr., Esq., Winston & Strawn, 1400 L Street NW, Washington, DC 20005-3512, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 6, 1995, as supplemented by letter dated April 22, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 21st day of June 1996.

For the Nuclear Regulatory Commission,
Timothy G. Colburn,
Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96-16556 Filed 6-27-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-348 and 50-364]

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plants, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its

regulations for Facility Operating License Nos. NPF-2 and NPF-8, issued to Southern Nuclear Operating Company, Inc. (the licensee), for operation of the Joseph M. Farley (Farley) Nuclear Plants, Units 1 and 2, located in Houston County, Alabama.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from the requirements of 10 CFR 70.24, which requires a monitoring system that will energize clearly audible alarms if accidental criticality occurs in each area in which special nuclear material is handled, used, or stored. The proposed action would also exempt the licensee from the requirements of 10 CFR 70.24(a)(3) to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm and to conduct drills and designate responsible individuals for such emergency procedures.

The proposed action is in accordance with the licensee's application for exemption dated May 31, 1996.

The Need for the Proposed Action

Power reactor license applicants are evaluated for the safe handling, use, and storage of special nuclear materials. The proposed exemption from criticality accident requirements is based on the original design for radiation monitoring at Farley. Exemptions from the requirements of 10 CFR 70.24(a) "Criticality Accident Requirements" were granted in the Special Nuclear Material (SNM) licenses for each unit as part of the 10 CFR Part 70 license. However, with the issuance of the Part 50 license this exemption expired because it was inadvertently omitted in that license. Therefore, the exemption is needed to clearly define the design of the plant as evaluated and approved for licensing.

Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemption is granted. Inadvertent or accidental criticality will be precluded through compliance with the Farley Technical Specifications, the geometric spacing of fuel assemblies in the new fuel storage facility and spent fuel storage pool, and administrative controls imposed on fuel handling procedures.

Inadvertent or accidental criticality of SNM while in use in the reactor vessel

is precluded through compliance with the Farley Technical Specifications, including reactivity requirements (e.g., shutdown margins, limits on control rod movement), instrumentation requirements (e.g., reactor power and radiation monitors), and controls on refueling operations (e.g., control rod interlocks and source range monitor requirements). In addition, the operators' continuous attention directed toward instruments monitoring behavior of the nuclear fuel in the reactor assures that the facility is operated in such a manner as to preclude inadvertent criticality. Finally, since access to the fuel in the reactor vessel is not physically possible while in use and is procedurally controlled during refueling, there are no concerns associated with loss or diversion of the fuel.

SNM as nuclear fuel is stored in one of two locations—the spent fuel pool or the new fuel storage area. The spent fuel pool is used to store irradiated fuel under water after its discharge from the reactor. The pool is designed to store the fuel in a geometric array that precludes criticality. In addition, existing Technical Specification limits on k_{eff} are maintained less than or equal to 0.95, even in the event of a fuel handling accident.

The new fuel storage area is used to receive and store new fuel in a dry condition upon arrival on site and prior to loading in the reactor. The new fuel storage area is designed to store new fuel in a geometric array that precludes criticality. In addition, existing safety evaluations demonstrate that k_{eff} is maintained less than or equal to 0.95 when the new fuel racks are fully loaded and dry or flooded with unborated water and less than or equal to 0.98 for optimum moderation conditions (e.g., because of the presence of aqueous foam or mist) or in the event of a fuel handling accident.

Fresh fuel is shipped in a plastic wrap. In some cases the fuel is stored in the new fuel storage racks with the plastic wrap in place and in other cases the plastic wrap is removed prior to storage. In all cases where fuel is stored with the plastic wrap in place, the wrap either cannot hold water due to its design or it is rendered incapable of holding water prior to fuel storage. Therefore, there is no concern that the plastic wrap used as part of fresh fuel storage will hold water from flooding from overhead sources. Additionally, as discussed above, the new fuel storage racks have been analyzed for a postulated flooded condition and the results showed that k_{eff} is maintained less than or equal to 0.95.

Both irradiated and unirradiated fuel is moved to and from the reactor vessel, and the spent fuel pool to accommodate refueling operations. Also, unirradiated fuel can be moved to and from the new fuel storage area. In addition, movements of fuel into the facility and within the reactor vessel or within the spent fuel pool occur. In all cases, fuel movements are procedurally controlled and designed to preclude conditions involving criticality concerns. Moreover, previous accident analyses have demonstrated that a fuel handling accident (i.e., a dropped fuel element) will not create conditions which exceed design specification. In addition, the Technical Specifications specifically address the refueling operations and limit the handling of fuel to ensure against an accidental criticality and to preclude certain movements over the spent fuel pool and the reactor vessel.

In summary, exemptions from the requirements of 10 CFR Part 70, Section 70.24 approved by the NRC in connection with the SNM licenses for Farley Units 1 and 2 were based upon NRC's finding that the inherent features associated with the storage and inspection of unirradiated fuel established good cause for granting the exemption and that granting such an exemption at this time will not endanger public life or property or the common defense and security and is otherwise in the public interest. The training provided to all personnel involved in fuel handling operations, the administrative controls, the Technical Specifications on new and spent fuel handling and storage, and the design of the new and spent fuel storage racks in place preclude inadvertent or accidental criticality. Since the facilities, storage, and inspection and procedures currently in place are consistent with those in place at the time the exemptions were granted in connection with the SNM licenses, an exemption from 10 CFR 70.24 is appropriate.

The proposed exemption will not affect radiological plant effluents nor cause any significant occupational exposures. Only a small amount, if any, of radioactive waste is generated during the receipt and handling of new fuel (e.g., smear papers or contaminated packaging material). The amount of waste would not be changed by the exemption.

With regard to potential nonradiological impacts, the proposed exemption involves systems located within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact.

Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative would be to deny the requested exemption. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of Joseph M. Farley Nuclear Plant, Units 1 and 2, dated June 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on June 14, 1996, the staff consulted with the Alabama State official, Mr. Kirk Whatley, of the Alabama Department of Public Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated May 31, 1996, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room located at the Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Doltham, Alabama.

Dated at Rockville, Maryland, this 20th day of June 1996.

For The Nuclear Regulatory Commission.

Byron L. Siegel,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96-16554 Filed 6-27-96; 8:45 am]

BILLING CODE 7590-01-P

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Westinghouse Standard Plant Designs; Notice of Meeting

The ACRS Subcommittee on Westinghouse Standard Plant Designs will hold a meeting on July 19, 1996, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance with the exception of a portion that may be closed to discuss Westinghouse proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Friday, July 19, 1996—8:30 a.m. until the conclusion of business

The Subcommittee will discuss SECY-96-128, "Policy and Key Technical Issues Pertaining to the Westinghouse AP600 Standardized Passive Reactor Design," dated June 12, 1996, which contains proposed staff positions on three policy issues: Prevention and Mitigation of Severe Accidents, Post-72-Hour Actions, and External Reactor Vessel Cooling, as well as the status of resolution of seven key technical issues. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Westinghouse Electric Corporation, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the

Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415-6888) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 24, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96-16552 Filed 6-27-96; 8:45 am]

BILLING CODE 7590-01-P

Advisory Committee on Reactor Safeguards, Joint Meeting of the ACRS Subcommittees on Probabilistic Risk Assessment and on Plant Operations

The ACRS Subcommittees on Probabilistic Risk Assessment and on Plant Operations will hold a joint meeting on July 17-18, 1996, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, July 17, 1996—8:30 a.m. until the conclusion of business

The Subcommittees will discuss risk-based analysis of reactor operating experience.

Thursday, July 18, 1996—8:30 a.m. until the conclusion of business

The Subcommittees will discuss the issues identified in the Staff Requirements Memoranda dated May 15 and June 11, 1996, including the role of performance-based regulation in the PRA Implementation Plan, plant-specific application of safety goals, requirement for risk neutrality versus the allowance for an acceptable increase in risk, risk-informed inservice testing (IST) and inservice inspection (ISI) requirements, and methods for judging the acceptability and unacceptability of assumptions and models used in performing PRAs. The Subcommittees will also discuss the pilot applications for risk-informed and performance-based regulations. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee

Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, representatives of the Nuclear Energy Institute, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael T. Markley (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 20, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96-16553 Filed 6-27-96; 8:45 am]

BILLING CODE 7590-01-P

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meetings; Notice of Vote to Amend Agenda

At the June 3, 1996, meeting of the Board of Governors, noticed in the Federal Register on May 14, 1996 (61 FR 24341), and May 23, 1996, (61 FR 25928), the members voted unanimously to add to its agenda consideration of an officer change and officers' compensation, and that no earlier public announcement of the new item on the agenda was possible.

The Board determined that discussion of the matters would likely disclose information relating to internal personnel practices.

The Board further determined that public access to the discussion would likely disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the person immediately affected, but also in regard to the privacy of others who might be discussed.

Accordingly, the Board determined that in accordance with section 552b(c)(2) and (6) of title 5, United States Code; and section 7.3 (b) and (f) of title 39, Code of Federal Regulations, discussion of the matters were properly closed to public observation.

Requests for information concerning the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268-4800.

Thomas J. Koerber,
Secretary.

[FR Doc. 96-16768 Filed 6-26-96; 3:54 pm]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f-2(c)—SEC File No. 270-35, OMB Control No. 3235-0029;

Rule 17f-2(d)—SEC File No. 270-36, OMB Control No. 3235-0028;

Rule 17f-2(e)—SEC File No. 270-37, OMB Control No. 3235-0031

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is publishing the following summaries of collections for public comment.

Rule 17f-2(c) allows persons required to be fingerprinted, pursuant to Section 17(f)(2) of the Securities Exchange Act of 1934 (Exchange Act), to submit their fingerprints through a national securities exchange or a national securities association in accordance with a plan submitted to and approved by the Commission. Plans have been approved for the American, Boston, Chicago, New York, Pacific, and Philadelphia stock exchanges and for the National Association of Securities Dealers and the Chicago Board Options Exchange.

It is estimated that 8,500 registered broker-dealers submit approximately 275,000 fingerprint cards to exchanges

or a registered security association on an annual basis. It is approximated that it should take 15 minutes to comply with Rule 17f-2(c). The total reporting burden is estimated to be 68,750 hours.

Rule 17f-2(d), requires that records produced, pursuant to the fingerprinting requirements of section 17(f)(2) of the Exchange Act, be maintained; permits the designated examining authorities of broker-dealers or members of exchanges, under certain circumstances, to store and to maintain records required to be kept by this rule; and permits the required records to be maintained on microfilm.

Approximately 10,025 respondents are subject to the recordkeeping requirements of the rule. Each respondent keeps approximately 32 new records per year, which take approximately 2 minutes per record for the respondent to maintain, for an annual burden of 64 minutes per respondent. All records subject to the rule must be retained for the term of employment plus 3 years.

Rule 17f-2(e) requires entities claiming an exemption from the fingerprinting requirements to prepare and maintain a notice supporting their claim for exemption and exempts certain small transfer agents from the requirement.

While the Commission no longer receives notices pursuant to Rule 17f-2(e), the covered entities are still required to prepare and retain such notices. Based on the indications of several covered entities, most notices require one-half hour to prepare. Approximately 75 respondents will prepare notices each year. The total average annual burden to covered entities is approximately 37.5 hours of preparation and maintenance time.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information

Technology, Securities and Exchange Commission, 450 5th Street, N.W. Washington, DC 20549.

Dated: June 18, 1996.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96-16573 Filed 6-27-96; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. IC-22037; 812-10114]

Nations Fund Trust, et al., Notice of Application

June 24, 1996.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Nations Fund Trust ("NFT"), Nations Fund, Inc. ("NFI"), Nations Fund Portfolios, Inc. ("NFPI"), Nations Institutional Reserves ("NIR"), NationsBanc Advisors, Inc. ("NBAI"), TradeStreet Investment Associates, Inc. ("TradeStreet"), and Stephens Inc. ("Stephens").

RELEVANT ACT SECTIONS: Order requested under section 6(c) granting an exemption from section 12(d)(1), and under sections 6(c) and 17(b) granting an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order to permit Nations to create a "fund of funds" that would purchase shares of affiliated open-end investment companies in excess of the percentage limitations of section 12(d)(1).

FILING DATES: The application was filed on April 29, 1996, and was amended on June 13, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 19, 1996 and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: One NationsBank Plaza, 101

South Tryon Street, Charlotte, North Carolina 28255.

FOR FURTHER INFORMATION CONTACT:

Sarah A. Buescher, Staff Attorney, at (202) 942-0573, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Applicants propose to create several series of a new open-end management investment company (the "Funds") that would invest substantially all of their assets in shares of the open-end management investment companies in the Nations Fund Family. The "Nations Fund Family" is defined to include NFT, NFI, NFPI, NIR, and each open-end management investment company or series thereof that is or becomes a member of the same "group of investment companies" as defined in rule 11a-3 under the Act.

The "Underlying Portfolios" are defined to include NFT, NFI, NFPI, NIR, and other funds or series thereof in the Nations Fund Family in which the Funds will invest.

2. NBAI and TradeStreet are both wholly-owned subsidiaries of NationsBank, N.A., which is in turn a wholly-owned subsidiary of NationsBank Corporation. NBAI will serve as investment adviser to the Funds and the Underlying Portfolios. TradeStreet serves as subadviser to NFT, NFI, and NIR, and it will serve as subadviser to the Funds. Stephens, a registered broker-dealer, will serve as the distributor and administrator for the Funds. Stephens currently provides those services for NFT, NFI, NFPI, and NIR.

3. The Funds initially will consist of three separate series with distinct investment objectives. Additional series may be added in the future. The three initial Funds will be intended primarily for long-term investors. The first Fund will invest in a variety of equity market segments, the second Fund will invest in a balanced portfolio of equity and fixed income securities, and the third Fund will seek to provide investors with current income and modest growth as a hedge against inflation. Asset allocation decisions for each Fund will be made by NBAI and TradeStreet.

4. Applicants propose that, subject to the conditions to the requested order, the Funds be permitted to purchase and

redeem shares of the Underlying Portfolios, and that each Underlying Portfolio be permitted to sell and redeem shares from each of the Funds. The Funds generally will invest substantially all of their assets in shares of the Underlying Portfolios. Any assets that are not invested in Underlying Portfolios will be invested directly in stocks, bonds, and other securities, although it is not currently contemplated that there will be a substantial amount of direct investing in individual securities by the Funds.

5. The Funds and the Underlying Portfolios will pay investment advisory fees to NBAI, and NBAI will compensate TradeStreet for providing subadvisory services out of these fees. The Funds and the Underlying Portfolios also will pay other service providers for their services. It is currently contemplated that the Funds will invest in a class of shares of the Underlying Portfolios that will not be subject to sales loads, distribution fees, or shareholder servicing fees.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 6(c) of the Act provides that the SEC may exempt persons or transactions from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order under section 6(c) exempting them from section 12(d)(1) to permit the Funds to acquire shares of the Underlying Portfolios in excess of the percentage limitations of section 12(d)(1).

3. The restrictions in section 12(d)(1) were intended to prevent certain abuses perceived to be associated with the pyramiding of investment companies,

including: (a) Unnecessary duplication of costs, e.g., sales loads, advisory fees, and administrative costs; (b) a lack of appropriate diversification; (c) undue influence by the fund holding company over its underlying funds; (d) the threat of large scale redemptions of the securities of the underlying investment companies; and (e) unnecessary complexity. For the following reasons, applicants believe that the proposed arrangement does not entail the type of abuse that Congress adopted section 12(d) to prevent.

4. The proposed arrangement would contain no improper layering of fees. The proposed arrangement will not involve the improper layering of advisory fees since, before approving any advisory contract for the Funds under section 15(a) of the Act, the board of trustees of the Funds, including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, must find that the advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract.

5. While applicants currently do not anticipate that the Funds will be subject to sales loads, distribution fees, or shareholder servicing fees, any sales charges or service fees relating to the shares of the Funds will not exceed the limits set forth in Article III, section 26 of the NASD's Rules of Fair Practice, when aggregated with any sales charges or service fees that the Funds may pay relating to the Underlying Portfolio shares. The aggregate sales charges at both levels, therefore, will not exceed the limit that otherwise lawfully could be charged at any single level. Applicants believe that there will not be a redundancy of administrative fees and expenses because distinct services would be provided to the Funds and the Underlying Portfolios.

6. Applicants believe that the concern over potential large scale redemptions is not present in the context of the Funds. Because the Funds will only acquire shares of Underlying Portfolios that are in the Nations Fund Family, a redemption from one Underlying Portfolio will simply lead to the investment of the proceeds in another Underlying Portfolio. Applicants also believe that the proposed arrangement will not result in disruptive redemptions because the Funds will be designed for intermediate and long-term investors. This will reduce the possibility of the Funds being used as short-term trading vehicles and further protect the Funds and the Underlying

Portfolios from unexpected large redemptions.

7. Section 17(a) makes it unlawful for an affiliated person of a registered investment company to sell securities to, or purchase securities from, the company. The Funds and the Underlying Portfolios may be considered affiliated persons because they share a common adviser. Thus, purchases or sales of securities between a Fund and an Underlying Portfolio may be prohibited by section 17(a).

8. Section 17(b) provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) The terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company concerned; and (c) the proposed transaction is consistent with the general provisions of the Act. Applicants request an exemption under sections 6(c) and 17(b) to permit the Funds to purchase shares of an Underlying Portfolio, and an Underlying Portfolio to redeem such shares.¹ Applicants believe that the proposed transactions meet the standards of sections 6(c) and 17(b).

Applicants' Conditions

Applicants expressly consent to the imposition of the following conditions in connection with this request for exemptive relief:

1. The Funds and each Underlying Portfolio will be part of the same "group of investment companies," as defined in rule 11a-3 under the Act.

2. No Underlying Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. A majority of the directors of the Funds will not be "interested persons," as defined in section 2(a)(19) of the Act.

4. Any sales-related charges or service fees relating to the shares of the Funds, when aggregated with any charges or service fees paid by the Funds with respect to the securities of the Underlying Portfolio, will not exceed the limits set forth in Article III, section 26, of the NASD's Rules of Fair Practice.

5. Before approving any advisory contract under section 15 of the Act, the board of directors of the Funds, including a majority of the directors who are not "interested persons," as

defined in section 2(a)(19), will find that the advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract. This finding, and the basis upon which the finding was made, will be recorded fully in the minute books of the Funds.

6. Applicants agree to provide the following information, in an electronic format, to the Chief Financial Analyst of the SEC's Division of Investment Management: monthly average total assets for the Funds and Underlying Portfolios; monthly purchases and redemptions (other than by exchange) for the Funds and each Underlying Portfolio; monthly exchanges into and out of the Funds and each Underlying Portfolio; month-end allocations of the Funds' assets among the Underlying Portfolios; annual expense ratios for the Funds and each Underlying Portfolio; and a description of any vote taken by the shareholders of any Underlying Portfolio, including a statement of the percentage of votes cast for and against the proposal by the Funds and by the other shareholders of the Underlying Portfolio. The information will be provided as soon as reasonably practicable following each fiscal year-end of the Funds (unless the Chief Financial Analyst notifies applicants in writing that the information need no longer be submitted).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-16572 Filed 6-27-96; 8:45 am]

BILLING CODE 8010-01-M

Agency Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of July 1, 1996.

A closed meeting will be held on Tuesday, July 2, 1996, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and

(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 2, 1996, at 10:00 a.m., will be:

Institution and settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of injunctive action.

Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942-7070.

Dated: June 25, 1996.

Jonathan G. Katz,
Secretary.

[FR Doc. 96-16675 Filed 6-26-96; 12:57 pm]

BILLING CODE 8010-01-M

[Release No. 34-37356; File No. SR-Amex-96-21]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Dissemination of Indications in Connection With Circuit Breaker Trading Halts Under Rule 117

June 24, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 17, 1996, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to implement guidelines for dissemination of indications to the consolidated tape in connection with the resumption of trading following a "circuit breaker" trading halt pursuant to the Amex's Rule 117.³

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Commission notes that Rule 117—the Exchange's "circuit breaker" rule—provides that

¹ Section 17(b) applies to specific proposed transactions, rather than an ongoing series of future transactions. See *Keystone Custodian Funds*, 21 S.E.C. 295, 298-99 (1945). Section 6(c) frequently is used to grant relief from section 17(a) to permit an ongoing series of future transactions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement guidelines for the mandatory dissemination of indications to the consolidated tape in connection with the resumption of trading following a circuit breaker halt pursuant to its Rule 117. The purposes of the proposed criteria is to provide guidance to the Exchange's specialists as to the specific circumstances under which they are required to disseminate indications if a significant decline in the price of a stock from the previous last sale on the Exchange is anticipated when trading resumes following a circuit breaker halt.

The Exchange proposes to implement the following guidelines:

- Dissemination of an indication shall be mandatory prior to the reopening of trading if such reopening will result in a price change constituting the lesser of 10% or three points from the last sale reported on the Amex, or five points if the previous reported last sale is \$100 or higher. No indications would be

trading in securities on the Exchange shall halt (a "Rule 117 halt") and not reopen for one hour if the Dow Jones Industrial Average ("DJIA") falls 250 points or more below its closing value on the previous trading day. The rule provides further that trading on the Exchange shall halt for two hours if the DJIA falls 400 points or more on that same day. Rule 117 was approved by the Commission on a pilot basis on October 19, 1988 and has been extended annually since then. See Securities Exchange Act Release No. 36414 (Oct. 25, 1995), 60 FR 55630 (Nov. 1, 1995) (Commission's most recent order extending temporary approval of Rule 117).

The Amex has filed a proposal to amend Rule 117 to reduce from one hour to thirty minutes the time period during which trading is halted due to a decline in the DJIA of 250 points below its closing value on the previous trading day, and to reduce from two hours to one hour the time period for a halt due to a 400 points decline in the DJIA. See Securities Exchange Act Release No. 37146 (April 26, 1996), 61 FR 19650 May 2, 1996). The Commission has not yet completed its review of this proposed amendment.

required if the price change is less than one point.

- If, on any day that a Rule 117 halt is in effect, trading in a security has not reopened by one-half hour after the resumption of trading on the Exchange, the matter should be treated as a delayed opening, and would require an indication as well as a Floor Official's supervision.

The Exchange has existing procedures which require dissemination of indications prior to delayed openings and reopenings following regulatory or non-regulatory halts in individual securities. The Exchange will continue to require dissemination of indications in those situations.⁴

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to protect and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

⁴ The Exchange notes that the proposed criteria are identical to those currently in place at the New York Stock Exchange ("NYSE") in connection with circuit breaker halts under NYSE Rule 80B. See Securities Exchange Act Release No. 26419 (January 5, 1989), 54 FR 1041 (January 11, 1989).

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-96-21 and should be submitted by July 19, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-16574 Filed 6-27-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37349; File No. SR-CBOE-96-38]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to the Definition of Expiration Month for Purposes of Determining Log-On Obligations for RAES in SPX Options

June 21, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on June 20, 1996, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and

⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1) (1988).

III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organizations Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend the definition of an expiration month for purposes of determining compliance with the Retail Automatic Execution System ("RAES") log-on requirement for market makers of Standard & Poor's 500 Stock Index ("SPX") options as detailed in Rule 24.16.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend the definition of an expiration month for purposes of determining compliance with the RAES log-on requirement for market makers of SPX options as detailed in Rule 24.16. According to CBOE Rule 24.16, once a market maker logs onto SPX RAES at any time during an expiration month, he or she must continue to do so each time he or she is present in the SPX trading crowd until the next expiration. For this purpose, an expiration month currently is defined as the period from the Monday immediately following an expiration Saturday through the Friday immediately preceding the next successive expiration Saturday. In consideration of the fact that expiring SPX option contracts cease trading at the close of business on the Thursday immediately preceding an expiration and that the new near-term series becomes the RAES eligible series on that Friday, the Exchange has determined to redefine the expiration month for SPX RAES log-on obligations. Commencing on Friday, May 17, 1996, an expiration

month for SPX RAES log-on obligation purposes will be defined as the period from the Friday immediately preceding an expiration Saturday through the Thursday immediately preceding the next successive expiration Saturday. The expiration month for SPX RAES log-on obligation purposes will be defined in this manner for each expiration thereafter.

Because the proposed rule change is meant to conform more precisely the definition of SPX market makers' obligations with the expiration cycle for SPX options, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act in general and with Section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation with persons engaged in facilitating and clearing transactions in securities, and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change constitutes a stated interpretation with respect to the meaning, administration, or enforcement of an existing rule, it has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-CBOE-96-38 and should be submitted by June 19, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority:²

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-16520 Filed 6-27-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37348; File No. SR-CBOE-96-19]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment Thereto Relating to Eligibility Requirements for Participation on the RAES System in SPX Options

June 21, 1996.

I. Introduction

On March 18, 1996, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposal to amend one of the Rule 24.16 requirements market makers in Standard & Poor's 500 Stock Index ("SPX") options must meet to qualify for participation in the Retail Automatic Execution System ("RAES"). The proposed rule change was published for comment and appeared in the Federal Register on April 15, 1996.³ No comments were received regarding the proposal. On March 27, 1996, the CBOE

² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. § 78s(b)(1) (1988).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 37078 (April 5, 1996), 61 FR 16514.

submitted Amendment No. 1 to its proposal.⁴ This order approves the proposal.

II. Description of the Proposal

The purpose of the proposed rule change is to amend one of the four Rule 24.16 requirements SPX market makers must meet to qualify for participation in RAES. RAES is the Exchange's automatic execution system for small (generally fewer than 10 contracts) public customer market or marketable limit orders. When RAES receives an order, the system automatically will attach to the order its execution price, determined by the prevailing market quote at the time of the order's entry into the system. A buy order will pay the offer; a sell order will sell at the bid. An eligible SPX market maker who is signed onto the system at the time the order is received will be designated to trade with the public customer order at the assigned price.

Rule 24.16(a)(iv), RAES Eligibility in SPX, currently states that for a market maker to qualify to participate in SPX RAES that market maker must: (A) be approved under Exchange rules as a market maker with a letter of guarantee, (B) maintain his principal business on the CBOE as a market maker, (C) execute at least seventy-five percent of his market maker contracts for the preceding month in SPX options ("75% SPX requirement"), and (D) execute at least seventy-five percent of his market maker trades for the preceding month in SPX options in person. These requirements generally seek to ensure that those market makers who are satisfying the public customer orders at the prevailing bid or offer are the same market makers who have made a commitment to make markets on a regular basis at the SPX post.

According to the Exchange, however, a number of market makers who regularly make markets in SPX nevertheless fail to execute seventy-five percent of their market maker contracts for the preceding month in SPX options. In many cases, these market makers fail to meet the 75% SPX requirement because they execute a large percentage of contracts in S&P 100 ("OEX") options on the floor of the Exchange to hedge their SPX positions. Because SPX and OEX options are legitimate hedge

vehicles for each other, the Exchange does not believe a market maker who makes markets regularly in SPX options, but who employs these hedge strategies, should be prevented from contributing to the Exchange's efforts to execute small public customer RAES orders. Consequently, the Exchange proposes that the 75% SPX requirement be reduced to a 50% requirement.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5),⁵ in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and maintain fair and orderly markets.

In its filing, the Exchange states that the proposed change should increase the number of market makers available to execute public customer RAES orders, while ensuring that the orders are filled by market makers who are best equipped to handle these orders. Hence, the 50% requirement would ensure that a market maker assigned a RAES trade would have transacted at least as many market maker contracts in SPX options as that market maker had transacted in all other products on the CBOE floor combined. Moreover, the Exchange notes that the requirement of its Rule 24.16(b) that any market maker who has logged onto RAES at any time during an expiration month must continue to do so each time he is present in the trading crowd until the next expiration will continue to apply. The Exchange believes that this should ensure that a larger number of market makers generally will be available to participate on RAES on any particular day.

The Commission believes that the presence of an adequate number of market makers protects investors and contributes to the maintenance of a fair and orderly market. The Commission believes that the proposal furthers this goal by helping the Exchange to maintain the continued availability of RAES for SPX options, thereby contributing to the effective and efficient execution of public investor orders at the best available prices. The Commission agrees with the CBOE that lowering the 75% SPX requirement to one of 50% will ensure that the affected market makers will continue to be those best equipped to handle RAES orders in SPX options given that at least half of

their CBOE transactions will continue to be in SPX options.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the Federal Register. Amendment No. 1 merely serves to effect technical changes to the Exchange's proposal and does not materially affect the proposal.⁶ Accordingly, the Commission believes there is good cause, consistent with Sections 6(b)(5) and 19(b)(2) of the Act, to approve Amendment No. 1 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-96-19 and should be submitted by July 19, 1996.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act, and, in particular, Section 6 of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁷ that the proposed rule change (File No. SR-CBOE-96-19) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority:⁸

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-16521 Filed 6-27-96; 8:45 am]

BILLING CODE 8010-01-M

⁴ Amendment No. 1 effects a technical change to the proposal by replacing the term "regulatory circular" with the term "proposed rule change" in three different places in the filing: the last sentence of Item 1, the first line of Item 9, and the last sentence of Section I of Exhibit 1. Letter from Timothy Thompson, CBOE, to Michael Walinskas, Special Counsel, Office of Market Supervision, Division of Market Regulation, Commission, dated March 21, 1996 ("Amendment No. 1").

⁵ 15 U.S.C. § 78f(b)(5) (1988).

⁶ See Amendment No. 1, *supra* note 4.

⁷ 15 U.S.C. § 78s(b)(2) (1988).

⁸ 17 CFR 200.30-3(a)(12).

[Release No. 34-37355; File No. SR-Phlx-96-18]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. to Trade a European-style National Over-the-Counter Index Option

June 24, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 28, 1996, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b-4 under the Act,¹ proposes to change the exercise style of the National Over-the-Counter Index ("Index") option, currently trading with the symbol XOC, from American-style² to European-style. A European-style option, pursuant to Phlx Rule 1000(b)(35), means an option contract that can be exercised only on the day it expires. The new European-style option will trade with the current symbol XOC. The Exchange also will convert the existing American-style XOC options to the symbol XOY.³ American-style options will continue to trade until expiration or until no open interest remains, at which time the series will be delisted. No new American-style series will be opened after the European-style index option begins trading.

In order to effectuate this change, an amendment to Floor Procedure Advice G-1, Exercise Requirements, is required. Advice G-1 governs the exercise of index options, requiring that a memorandum to exercise any American-

style index option must be received or prepared by the Phlx member organization no later than 4:30 p.m. Because the Index is presently an American-style index option, this Advice must be amended to delete reference to the Index. The corresponding Exchange rule, Rule 1042(a), will also apply, but does not require an amendment.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx began trading the Index in 1985.⁴ The Index is a capitalization-weighted market (broad-based) index composed of the 100 largest capitalized stocks trading over-the-counter. The Index has traded on the Phlx for over ten years, generally garnering steady volume and open interest. At this time, the Exchange seeks to improve upon the success of the Index by changing one contract specification, relating to the ability to exercise the Index option.

The purpose of this proposal is to allow the Exchange to offer a European-style option based on the Index. The Exchange has received requests to change the expiration style, indicating that many investors prefer to trade index options that cannot be exercised except on the day they expire. European-style index options have certain advantages, including the elimination of the risk of early exercise. For instance, investors holding spread positions would not have to be concerned that one leg of a short position can be exercised prior to expiration. In general, sellers will benefit from the European exercise feature, because absent concern about early exercise, they can engage in long-range planning and strategies.

However, the Exchange has proposed to continue trading the American-style option until the listed series expire or no longer have open interest. Thus, the contract terms of existing American-style XOC options will not suddenly be changed, keeping intact their ability to exercise early. The Exchange also proposes to provide adequate notice of the new European-style option by way of memoranda to the Exchange membership. Except during the wind-down period explained above, the Exchange does not intend to continue trading American-style options side-by-side with European-style options on the Index. In order to prevent a proliferation of strike prices respecting a similar product, it has determined instead to trade only the European-style option.

In order to preserve the investment community's familiarity with the symbol XOC, the Exchange proposes to retain the use of this symbol for the new European-style options on the Index and convert the existing American-style options on the Index from the symbol XOC to XOY. The Exchange intends to effectuate this conversion as soon as is practicable in order to allow a period of time for Index traders and investors to become accustomed to the new symbol. Upon approval of the proposed rule change, the Exchange will list European-style options on the Index utilizing the symbol XOC.

2. Statutory Basis

The proposed rule change is consistent with Section 6 of the Act,⁵ and, in particular, with Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principals of trade and facilitate transactions in securities, while protecting investors and the public interest, by providing a European-style index option on the Index, which will permit exercise only on the day it expires. Specifically, the Exchange believes that the benefits of the European-style exercise feature combined with the interest in the Index during the past ten years of trading on the Exchange should foster a deep and liquid market for the Index option, thus facilitating transactions. At the same time, the Exchange believes that Index investors should not be disadvantaged by the proposal, because the Exchange will provide adequate notice and an orderly procedure, as American-style options are phased out and the new European-style options are introduced.

¹ 17 CFR 240.19b-4.

² An American-style option, pursuant to Phlx Rule 1000(b)(34), means an option contract that may be exercised at any time from the opening of the position until its expiration.

³ The Exchange notes that certain wrap-around symbols are utilized respecting the Index, such that XOC and XOY will not be the only symbols in use. A wrap-around situation occurs when the strike price codes A-T indicating the strike price of an option (from 5 to 100) have been used and additional strike prices require listing the option with a different root symbol. For example, XOX and XOY are currently used for wrap-around situations respecting the Index.

⁴ See Securities Exchange Act Release No. 22044 (May 17, 1985), 50 FR 21532 (May 24, 1985) (File Nos. SR-Phlx-84-28 and SR-Phlx-85-110).

⁵ 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-96-18 and should be submitted by July 19, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland
Deputy Secretary.

[FR Doc. 96-16575 Filed 6-27-96; 8:45 am]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; Report of Revised Routine Use

AGENCY: Social Security Administration (SSA).

ACTION: Revised Routine Use.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (11)), we are issuing public notice of our intent to revise a routine use applicable to the Master Files of Social Security Number (SSN) Holders and SSN Applications, SSA/OSR, 09-60-0058. The title of this system previously referred to "HHS" (an acronym for Department of Health and Human Services). We have deleted this reference as SSA is now independent of the HHS. (For convenience, we will refer to this system of records as the Enumeration System.) The proposed revision will allow SSA to disclose SSNs to Federal, State and local entities for use in income-maintenance and health-maintenance programs, such as general assistance, food stamps and Medicaid, where such use is authorized by Federal statute.

We invite public comment on this publication.

DATE: We filed a report of an altered system of records—revised routine use with the Chairman, Committee on Government Reform and Oversight of the House of Representatives; the Chairman, Committee on Governmental Affairs of the Senate; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget on June 18, 1996. The routine use will become effective as proposed, without further notice August 7, 1996, unless we receive comments on or before that date that result in a contrary determination.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, Room 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Comments may be faxed to (410) 966-0869. All comments received will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Martorana, Social Insurance Specialist, Office of Disclosure Policy, Social Security Administration, 3-D-1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 410-965-1745.

SUPPLEMENTARY INFORMATION:

A. Discussion of Proposed Routine Use

In the mid 70's, SSA published a routine use in the Federal Register allowing the Agency to disclose SSNs to State welfare offices for use in determining individuals' eligibility for benefits under the Aid to Families with Dependent Children (AFDC) program. At that time, section 402(a)(25) of the Social Security Act (the Act) required individuals applying for AFDC to provide their SSN to State welfare agencies; the SSN, thus, was a condition of eligibility.

Section 402(a)(25) of the Act has since been amended to provide that AFDC applicants furnish this information as required by section 1137 of the Act. Under section 1137, individuals applying to States for, not only AFDC, but also Medicaid, unemployment compensation under section 3304 of the Internal Revenue Code of 1986, the food stamp program under the Food Stamp Act of 1977 and any State program under a plan approved under title I, X, XIV, or XVI of the Act, must furnish their SSN as a condition of eligibility. In addition, section 205(c)(2)(C) of the Act provides that State agencies may require applicants for general assistance programs to furnish their SSN for identification purposes. We therefore are proposing to revise the current routine use allowing disclosure of SSNs to States for AFDC purposes, to include disclosure of SSNs to Federal, State and local entities for use in administering other income-maintenance and health-maintenance programs, such as those listed above, where such use of the SSN is authorized by Federal law. (SSA already validates SSNs for these agencies.) Routine use number two in the Enumeration System is revised to read:

SSA will disclose SSNs to Federal, State and local entities for the purpose of administering income-maintenance and health-maintenance programs, where such use of the SSN is authorized by Federal statute.

This revision will allow SSA to disclose SSNs on a consistent basis for all Federal, State and locally administered income-maintenance and health-maintenance programs when a Federal law authorizes the use of the SSN in such programs.

A notice of the Enumeration System, to which the routine use will apply, was last published in the Federal Register at 60 FR 52948, October 11, 1995.

B. Compatibility of Proposed Routine Use

We are proposing the changes discussed above in accordance with the Privacy Act (5 U.S.C. 552a(a)(7), (b)(3), (e)(4) and (e)(11)) and our disclosure regulation (20 CFR part 401).

The Privacy Act permits us to disclose information about individuals without their consent for a routine use, i.e., where the information will be used for a purpose that is compatible with the purpose for which we collected the information. Consistent with the Privacy Act, under 20 CFR 401.310 we may disclose information under a routine use for administering our programs, or for administering similar programs of other agencies. SSA collects and maintains SSNs and other personal identification data in the Enumeration System in order to identify and retrieve information about individuals in SSA's records, to administer programs for which SSA is responsible, and to detect the use of a SSN by a person to whom the SSN was not assigned. Other Federal, State and local entities use such information for similar purposes in programs similar to SSA's programs. Disclosing SSNs to such Federal, State and local entities will support the effective and efficient administration of various assistance programs by the States. Therefore, we find that disclosing SSNs to Federal, State and local entities for the purpose of administering income-maintenance and health-maintenance programs serves purposes that are compatible with purposes for which SSA collects the information and meets the criteria of the Privacy Act and the regulation for establishment of a routine use.

C. Effect of the Proposal on Individual Rights

As discussed above, the proposed revised routine use will permit SSA to disclose SSNs to Federal, State and local entities for the purpose of administering income-maintenance and health-maintenance programs, where such use is authorized by Federal statute. Disclosure will assist Federal, State and local entities in determining eligibility for income-maintenance and health-maintenance programs. While disclosure will have some impact on the privacy of individuals (for example, States will be better able to determine the true identity of applicants for income-maintenance and health-maintenance programs), disclosure will only be made where authorized by Federal statute and will reduce fraud and abuse in these programs. SSA will follow all statutory and regulatory requirements for disclosure. Thus, we

do not anticipate that the disclosure will have any unwarranted effect on the privacy or other rights of individuals.

Dated: June 18, 1996.
Shirley S. Chater,
Commissioner of Social Security.
[FR Doc. 96-16559 Filed 6-27-96; 8:45 am]
BILLING CODE 4190-29-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits and a Guaranteed Access Level for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

June 24, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting import limits and a guaranteed access level.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

On the request of the Government of the Dominican Republic, the U.S. Government agreed to increase the 1996 Guaranteed Access Level for Category 442. Also, the current limit for Categories 338/638 is being increased for special shift, reducing the limit for Categories 339/639 to account for the increase.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 24, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 27, 1996, you are directed to adjust the limits for the following categories, as provided for in the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit ¹
338/638	811,441 dozen.
339/639	898,273 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1995.

The 1996 Guaranteed Access Level (GAL) for Category 442 is being increased to 105,000 dozen. The GALs for Categories 338/638 and 339/639 remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96-16525 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

June 24, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being increased, variously, for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 9982, published on March 12, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements
June 24, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 27, 1996, you are directed to amend the directive dated March 5, 1996 to adjust the limits for the following categories, as provided for under the Uruguay

Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
336/636	206,535 dozen.
338/339	615,737 dozen of which not more than 392,948 dozen shall be in Categories 338-S/339-S ² .
347/348	457,405 dozen of which not more than 228,701 dozen shall be in Categories 347-T/348-T ³ .
352	229,644 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1995.

² Category 338-S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020.

³ Category 347-T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348-T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6304.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96-16527 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-DR-F

Verification of Country of Origin for Textiles and Textile Products Subject to Section 204 of the Agricultural Act of 1956, as Amended

June 24, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs authorizing the denial of entry of shipments of

textiles and textile products if a country refuses to permit U.S. Customs Service on-site verification of production in order to obtain the best information available to determine country of origin.

EFFECTIVE DATE: June 24, 1996.

FOR FURTHER INFORMATION CONTACT: Brian F. Fennessy, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Pursuant to the authority in section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), as delegated in Executive Order 11651 of March 3, 1972, as amended, the U.S. Customs Service is authorized to deny entry of certain textiles and textile products subject to section 204 of the Act if a country declared to be the country of origin for the subject merchandise does not permit the U.S. Customs Service to conduct an on-site verification of production.

Under Title 19, section 12.130 of the Code of Federal Regulations, U.S. Customs is required to make a country of origin determination for textiles and textile products. Such determination may be made on the basis of information provided by the importer or, at the discretion of the Commissioner, on the basis of the best information available. In order to develop such information, it may be necessary for Customs to conduct an on-site verification of production in the country declared to be the country of origin.

In the letter published below, the Chairman of CITA authorizes the Commissioner of Customs to deny entry of certain textiles and textile products subject to section 204 of the Agricultural Act of 1956, as amended, if Customs on-site verification of production is not permitted.

In carrying out this authority, the U.S. Customs Service will act in accordance with applicable textile agreements and with the provisions of 19 C.F.R. section 12.130(g).

Troy H. Cribb,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements
June 24, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to authority under section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), as delegated in Executive Order 11651 of March 3, 1972, as amended, you are authorized, consistent with applicable textile agreements and the provisions of 19 C.F.R. section 12.130(g), to deny entry of certain textiles and textile products when the country declared to be the country of origin for such articles has not permitted the U.S. Customs Service to conduct an on-site verification of production in order to obtain the best information available on which to determine the country of origin of such articles. Such denial of entry shall be limited to those articles with respect to which such verification was deemed necessary.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96-16256 Filed 6-27-96; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected cost and burden. On April 8, 1996, a notice was published in the Federal Register to request comments on the paperwork burden associated with the following collections of information.

DATES: Comments must be submitted on or before July 20, 1996.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC-100; Federal Aviation Administration; 800

Independence Avenue, S.W.; Washington, DC 20591; Telephone number (202) 267-9895.

Title: Pilot Schools—FAR Part 141.

OMB Control Number: 2120-0009.

Abstract: Chapter 447, Subsection 44707, empowers the Administrator of the Federal Aviation Administration to provide for the examination and rating of civilian schools giving instruction in flying. Federal Aviation Regulation (FAR) Part 141 prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates and associated ratings to qualified applicants.

Need: The collection of this information is necessary for collection and public dissemination of alphabetical listing of schools via Advisory Circular 140-2; issuance, renewal, or amendment of applicants' pilot school certificates; and (c) and it is necessary to certify pilot schools to insure that minimum acceptable training standards are met.

Respondents: New and existing applicants for pilot school. The estimated number of respondents: 860.

Frequency: On an as needed basis.

Burden: 46,674 hours annually.

Title: Application for Certificate of Waiver or Authorization.

OMB Control Number: 2120-0027.

Abstract: This public reporting burden is imposed on persons that have a need to deviate from the provisions of the Federal Aviation Regulations (FAR) that govern use of airspace within the United States. It also describes the burden associated with authorizations to make parachute jumps.

Need: Part A of subtitle VII of the revised title 49 United States Code authorizes the issuance of regulations governing the use of navigable airspace. 14 CFR 91, 101 and 105 prescribe regulations governing the general operation and flight of aircraft, moored balloons, kites, unmanned rockets, unmanned free balloons, and parachute jumping.

Respondents: Individual airmen, state and local governments and businesses. The estimated number of respondents: 1,750 annually.

Frequency: On an as-needed basis.

Burden: The estimated total annual burden: 14,000 hours.

Title: Special Federal Aviation Regulation (SFAR)—36—Development of Major Repair Data.

OMB Control Number: 2120-0507.

Abstract: The purpose of Title 49 U.S.C. Subtitle VII—Aviation Programs is to encourage and foster the development of civil aeronautics and to promote safety in air commerce. SFAR—

36 relieves qualifying applicants of the burden of obtaining FAA approval of data developed by them for major repair on a case-by-case basis and provides for one-time approvals.

To be eligible the applicant must hold a current domestic repair station certificate under Part 145, an air carrier certificate under Part 121 or 127, or a commercial operator certificate under Part 121, or be an air taxi operator subject to the requirements of Part 135.2.

Need: SFAR—36 provides authorized repair station and aircraft operating certificate holders to approve aircraft products or articles or return to service after accomplishing major repairs using self developed repair data that have not been approved by FAA.

Respondents: Authorized repair station and aircraft operating certificate holders. The estimated number of respondents: 10 annually.

Frequency: On an as needed basis.

Burden: The estimated total annual burden: 7,000 hours.

Title: Accident Prevention Counselor of the Year Competition.

OMB Control Number: 2120-0574.

Abstract: This award will be used as an incentive for the Accident Prevention Program's voluntary Accident Prevention Counselors who assist in promoting aviation safety.

Need: The collection of information is done to provide national recognition to a private citizen who has made a significant voluntary contribution to aviation safety. Submission of nominations is voluntary on the part of the public.

Respondents: Private citizens involved in aviation. Estimated number of respondents: 200.

Frequency: Annually.

Burden: The estimated total annual burden: 200 hours.

Issued in Washington, D.C. on June 20, 1996.

Phillip A. Leach,

Information Clearance Officer, United States Department of Transportation.

[FR Doc. 96-16523 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-62-P

Research and Special Programs Administration (RSPA)

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C.

3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 15, 1996 (61 FR 16528).

DATES: Comments must be submitted on or before July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366-6205, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590 and refer to the OMB Control Number.

SUPPLEMENTARY INFORMATION:

Title: Customer-Owned Service Lines.

OMB Control Number: 2137—New.

Abstract: An RSPA regulation (49 CFR 192.16) requires operators of gas service lines who do not maintain buried customer piping up to building walls or certain other locations to notify their customers of the need to maintain that piping. Congress directed DOT to take this action in view of service line accidents. By advising customers of the need to maintain their buried gas piping, the notices may reduce the risk of further accidents.

The regulation requires each operator to notify each customer not later than August 14, 1996, or 90 days after the customer first receives gas at a particular location, whichever is later. However, operators of master meter systems may continuously post a general notice in a prominent location frequented by customers. In addition, each operator must make the following records available for inspection by RSPA or a State agency participating under 49 U.S.C. 60105 or 60106: (1) a copy of the notice currently in use; and (2) evidence that notices have been sent to customers within the previous 3 years.

Respondents: Gas transmission and distribution operators.

Estimated Number of Respondents: 1,590.

Estimated Total Annual Burden on Respondents: Minimal.

Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW, Washington, DC 20503, Attention RSPA Desk Officer.

Issued in Washington, DC, on June 21, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96-16608 Filed 6-27-96; 8:45 am]

BILLING CODE 4910-60-P

Surface Transportation Board¹

[STB Docket No. AB-167 (Sub-No. 1161X)]

**Consolidated Rail Corporation—
Abandonment Exemption—in
Vermilion and Champaign Counties, IL**

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 24.50 miles of its line of railroad known as the Pekin Secondary Track from approximately milepost 4.00 to approximately milepost 28.50 in Vermilion and Champaign Counties, IL.²

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

This exemption is subject to the condition that consummation of the abandonment is contingent upon

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

² A Conrail line from milepost 28.50 at Urbana, to milepost 78.3 at Bloomington, is the subject of a pending petition for exemption in *Norfolk and Western Railway Company—Purchase and Operate—Consolidated Rail Corporation—in Urbana to Peoria, IL*, STB Finance Docket No. 32957.

By letter filed June 19, 1996, the Champaign County Administrative Services (County) filed a comment expressing concern about the proposed abandonment's effects on planned industrial areas on the east side of the City of Urbana and the elevator at Fulls Siding.

While the County appears to oppose abandonment, its position is not altogether clear. Should it wish to seek specific relief from the Board, it may file a petition for stay or for other relief on or before the dates specified in this notice.

issuance by the Board of an exemption for the transaction that is the subject of STB Finance Docket No. 32957 and upon the exercise of that exemption by acquisition and operation by Norfolk and Western Railway Company (NW) of the line that is the subject of that proceeding.

As a further condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 28, 1996, unless stayed pending reconsideration.³ Petitions to stay that do not involve environmental issues,⁴ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁵ and trail use/rail banking requests under 49 CFR 1152.29⁶ must be filed by July 8, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 18, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, 2001 Market Street—16A, Philadelphia, PA 19101-1416.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Conrail has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis

³ Conrail indicates that it intends to consummate abandonment on August 5, 1996, or on the date NW acquires the line between milepost 28.50 and milepost 78.3 and begins operations over it pursuant to the exemption sought in STB Finance Docket No. 32957, whichever is later.

⁴ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁵ *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁶ The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

(SEA) will issue an environmental assessment (EA) by July 3, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: June 21, 1996.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-16411 Filed 6-27-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 20, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

U.S. Customs Service (CUS)

OMB Number: 1515-0049.

Form Number: CF 7533.

Type of Review: Extension.

Title: Inward Cargo Manifest for Vessels Under Five Net Tons, Ferry, Train, Car, Vehicle, etc.

Description: Vessels under five tons and any vehicle carrying merchandise and arriving from contiguous country must report their arrival in the United States and produce a manifest on Customs Form 7533 listing merchandise being conveyed.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 20,000.

Estimated Burden Hours Per

Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 41,650 hours.

OMB Number: 1515-0052.

Form Number: CF 4609.

Type of Review: Extension.

Title: Petition for Remission or Mitigation of Forfeiture and Penalty Incurred.

Description: Customs needs the information provided to form the basis for granting or denying the administrative relief requested. It will be used to identify mitigating and aggravating factors in the violation.

Respondents: are persons whose property is seized or who incur monetary penalties through violation of International Trade laws or regulations.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 28,000.

Estimated Burden Hours Per

Respondent/Recordkeeper: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 8,834 hours.

OMB Number: 1515-0060.

Form Number: CF 1300.

Type of Review: Extension.

Title: Master's Oath on Entry of Vessel in Foreign Trade.

Description: This form is submitted by Masters of vessels upon arriving into the United States. Customs needs this information to record information pertaining to payment of tonnage fees and to obligate the Master to the truth of the manifest.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 12,000.

Estimated Burden Hours Per

Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 21,991 hours.

Clearance Officer: J. Edgar Nichols, (202) 927-1426, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96-16506 Filed 6-27-96; 8:45 am]

BILLING CODE 4820-02-P

Submission for OMB Review; Comment Request

June 21, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to

OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the focus group interviews described below in mid July 1996, the Department of Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by July 5, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545-1432.

Project Number: M:SP:V 96-015-G.

Type of Review: Revision.

Title: Helena Customer Satisfaction Survey.

Description: As a Treasury Reinvention Laboratory, the Helena District is striving to develop a new management system which is responsive to our customers' values. By measuring customer satisfaction with existing services and clearly identifying customer expectations, the Helena District will have the tools for developing a customer focused improvement strategy to continually monitor and improve the service it delivers. To accomplish this, the Helena District proposes to actively solicit taxpayer opinions through the utilization of a district-wide survey to measure the level of customer satisfaction.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 2,817.

Estimated Burden Hours Per

Respondent: 3 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 141 hours.

Clearance Officer: Garrick Shear, (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96-16507 Filed 6-27-96; 8:45 am]

BILLING CODE 4830-01-P

Internal Revenue Service**Proposed Collection; Comment Request for Form 1099-C**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099-C, Cancellation of Debt.

DATES: Written comments should be received on or before August 27, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Cancellation of Debt.

OMB Number: 1545-1424.

Form Number: Form 1099-C.

Abstract: Form 1099-C is used by Federal government agencies, financial institutions, and credit unions to report the cancellation or forgiveness of a debt of \$600 or more, as required by section 6050P of the Internal Revenue Code. IRS uses the form to verify compliance with the reporting rules and to verify that the debtor has included the proper amount of canceled debt in income on his or her tax return.

*Current Actions***Changes to Form 1099-C**

Box 4 and the instructions for box 4 (located on the back of Copy B) were eliminated. The regulations under Code section 6050P eliminated the separate reporting of penalties, fines, and administrative costs, effective 12/22/96. The space for box 4 was retained on the form so it can be used in the future for something else.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit

institutions, and the Federal government.

Estimated Number of Respondents: 350,000.

Estimated Time Per Respondent: 11 min.

Estimated Total Annual Burden Hours: 65,994.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 20, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-16495 Filed 6-27-96; 8:45 am]

BILLING CODE 4830-01-P

Proposed Collection; Comment Request for Form 1040X

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(a)). Currently, the IRS is soliciting comments concerning Form 1040X, Amended U.S. Individual Income Tax Return.

DATES: Written comments should be received on or before August 27, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Amended U.S. Individual Income Tax Return.

OMB Number: 1545-0091.

Form Number: Form 1040X.

Abstract: Form 1040X is used by individuals to amend an original tax return to claim a refund of income taxes, pay additional income taxes, or designate \$3 to the Presidential Election Campaign Fund. The information provided on the form is needed to help verify that taxpayers have correctly figured their income tax.

*Current Actions***Changes to Form 1040X**

On page 1 of Form 1040X, the second part of Line B was deleted because the Service now can identify the IRS office from its database. Line C on the previous version of the form, which contained a box to check if Form 8271 was attached, was deleted because it is no longer necessary. The instructions will tell taxpayers to attach Form 8271 to Form 1040X. Line 30 was changed to reflect revised procedures for reporting social security numbers on 1996 tax returns.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 2,395,000.

Estimated Time Per Respondent: 3 hrs. 21 min.

Estimated Total Annual Burden Hours: 8,023,250.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 21, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-16496 Filed 6-27-96; 8:45 am]

BILLING CODE 4930-01-P

Corrections

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5272-1]

RIN 2060-AD94

National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries

Correction

In rule document 95-20252 corrected on page 7051 in the issue of Friday, February 23, 1996, make the following correction:

§ 63.652 [Corrected]

In correction 3. to § 63.652, in the first line “(j)(1)(ii)” should read “(j)(2)(ii)”.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 186

[PP3F4268, FAP5720/R2247; FRL-5375-6]

Quizalofop-P Ethyl Ester; Pesticide Tolerance and Feed Additive Regulation

Correction

In rule document 96-15040 beginning on page 30171 in the issue of Friday, June 14, 1996, make the following correction:

§ 186.5250 [Corrected]

On page 30175, in the second column, in § 186.5250(b), in the second line, “(insert date 3 years from date of publication in the Federal Register)” should read “June 14, 1999”.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-089-FOR]

Illinois Regulatory Program

Correction

In rule document 96-13267 beginning on page 26801 in the issue of Wednesday, May 29, 1996, make the following corrections:

1. On page 26802, in the 2d column, in the 44th line from the top, after the comma insert “administrative and judicial review;” and at the beginning of the 45th line insert “62 IAC 1848.5.”.

2. On the same page, in the third column, in the third line from the top, after “and” insert “1816/1817.15, casing and sealing of drilled holes; 62 IAC” and beginning in the ninth line after the semi-colon remove “62 IAC 1816.116(a)(4)(D), revegetation standards for hay production;”.

3. On page 26804, in the first column, in the first full paragraph, in the third line from the bottom, “or” should read “for”.

4. On the same page, in the second column, under paragraph 5., in the first full paragraph, in the third line, insert a comma after “issue”.

5. On the same page, in the 3rd column, in paragraph 7a., in the 13th line from the bottom, “significant” was misspelled.

6. On page 26805, in the first column, in the first line from the top “948 FR” should read “(48 FR”, and in the second full paragraph, in the fourth line, “this” should read “its”.

7. On the same page, in the 3rd column, in the 8th line from the top, “30 CFR 78.10” should read “30 CFR 784.20”; in the 16th line, “30 CFR 778.18” should read “30 CFR 778.15”; and in the 3rd line from the bottom, “(1)(1)” should read “(a)(1)”.

8. On page 26806, in the first column, under paragraph 11., in the first paragraph, in the fifth line, “shaft” should read “shafts”.

9. On the same page, in the 2d column, in the 17th line from the top, after “and” insert “to delete the requirement that it publish a public notice of”.

10. On page 26814, in the first column, in the fourth line from the

bottom, “approving” was misspelled and in the second line from the bottom, “and” should read “for”.

11. On page 26816, in the first column, in the first full paragraph, in the second line, remove “on”.

12. On the same page, in the third column, in *Comment 3*, in the fourth line, after “reclamation” insert “standards”, and in the heading at the bottom of the page, in the first line, “62 IAC 1761.11(d)(12)” should read “62 IAC 1761.11(d)(2)”.

13. On page 26817, in the first column, beginning in the sixth line, remove “This commenter supported the application to public roads.”.

14. On the same page, in the second column, in the heading at the top of the page, in the last line “Show” should read “Shown”, and in the first *Response* paragraph, beginning in the fifth line, remove “To be eligible under the provisions of subsection (a)(3).”.

15. On the same page, in the third column, in *Comment 2*, in the first line “comment” should read “commenter”.

16. On page 26818, in the second column, in the eighth line from the bottom, “62 IAC 1785.6(b)(1)” should read “62 IAC 1795.6(b)(1)”.

17. On page 26821, in the second column, in *Comment 3*, in the fourth line “put” should read “pit”, and in the seventh line “tie” should read “time”.

§ 913.16 [Corrected]

18. On page 26825, in the first column, in § 913.16(w), in the eighth line “1817.116(a)(2)(f)(i)” should read “1817.116(a)(2)(F)(i)”.

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

Correction

In notice document 96-12751 beginning on page 25691 in the issue of Wednesday, May 22, 1996, make the following correction:

On page 25691, in the first column, in the last paragraph, in the fourth line,

“consistent” should read
“inconsistent”.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Weather Observation Service Standards

Correction

In notice document 96-16046 beginning on page 32887 in the issue of Tuesday, June 25, 1996, make the following correction:

On page 32887, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, the last line should read “telephone (202) 366-4474.”

BILLING CODE 1505-01-D

Final Rule

Friday
June 28, 1996

Part II

Department of Commerce

National Oceanic and Atmospheric
Administration

15 CFR Parts 923, 926, 927, 928, 932,
and 933

Coastal Zone Management Program
Regulations; Final Rule

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Parts 923, 926, 927, 928, 932, and 933**

[Docket No. 960126015-6165-02]

RIN 0648-A143

Coastal Zone Management Program Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is revising and consolidating its regulations concerning coastal zone management (CZM) program development, approval, grants and evaluation, and removing obsolete rules concerning research and technical assistance. These regulations implement, in part, the Coastal Zone Management Act, as amended (CZMA). The purpose of this rule is to remove outdated provisions and to revise and consolidate remaining provisions. The intended effect of this rule is to make the CZM program regulations more concise and easier to use.

EFFECTIVE DATE: July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Roger Eckert, NOAA Office of General Counsel for Ocean Services, at 301-713-2967 (ext. 213), fax: 301-713-4408, e-mail: RBEckert@RDC.noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Authority**

This rule is issued under the authority of the CZMA, 16 U.S.C. 1451 *et seq.*

II. Background

The CZMA was enacted to encourage and assist the 35 eligible coastal states and territories to develop and implement CZM programs to preserve, protect, develop and, where possible, restore or enhance the resources of the Nation's coasts. In all, 29 coastal states and territories have chosen to participate in this program, and their programs have received federal approval. Five states are currently developing programs for federal approval. Many of the regulations promulgated when the program began are no longer needed, now that the program has matured.

In March 1995, President Clinton issued a directive to federal agencies regarding their responsibilities under his Regulatory Reform Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to review all of their regulations, with an emphasis on eliminating or modifying those that are obsolete or otherwise in need of reform. This rule is intended to carry out the President's directive with respect to the regulations implementing the Coastal Zone Management program.

On March 11, 1996 (61 FR 9745-9762), the Office of Ocean and Coastal Resource Management (OCRM) proposed to revise and consolidate these CZM regulations. Concurrent with the issuance of the proposed regulations, OCRM mailed draft guidance to coastal states concerning the program change regulations. OCRM received comments on the proposed revision of the regulations and/or draft program change guidance from the states of: Connecticut, Massachusetts, Michigan, New Hampshire, Oregon, Pennsylvania and Texas. These state comments focused on the proposed revision of 15 CFR 923.80(d) (the definition of a program amendment). OCRM will evaluate the comments directed at the draft guidance, and revise the guidance as appropriate. The comments directed at the proposed revision of the regulations are addressed below. In addition, OCRM will continue to consider these comments in its implementation of the CZMA and these regulations.

OCRM also received comments from the Federal Emergency Management Agency (FEMA) directed at coastal hazard mitigation efforts. Sections 303(2)(K) and 303(3) of the CZMA identify the need to address the adverse effects of coastal hazards, including erosion, land subsidence and flooding. While the regulations already identify hazardous areas as areas of particular concern (15 CFR 923.21(b)(7)), some additional emphasis on coastal hazards has been placed in § 923.25(a) and § 923.50(a)(5) to reflect the CZMA's policies. Coastal states may rely on these interpretive statements when submitting program changes concerning coastal hazard mitigation efforts. In addition, the regulation concerning plan coordination (§ 923.56(b)(2)) has been updated, consistent with FEMA's current planning authorities.

Accordingly, this final rule revises and consolidates the CZM regulations as follows:

A. Consolidates Regulations

The rule consolidates CZM program regulations found in present 15 CFR parts 923, 927, 928 and 932 into a revised part 923. This consolidation is expected to make the regulations easier for coastal states, territories and the public to use.

B. Removes Regulations Restating Statutory Language

The rule removes those regulations in 15 CFR part 923 that simply restate provisions contained in the Coastal Zone Management Act. These provisions are replaced, where appropriate, with references to the applicable sections of the CZMA. Removal of these provisions is in accordance with the rules of the Office of the Federal Register which discourage agencies from restating the language of a law in a document intended for publication in the Federal Register.

C. Removes Outdated Provisions and Simplifies Remaining Provisions

The rule removes those regulations in 15 CFR part 923 that are no longer necessary because the CZM program has reached its maturity, and simplifies the remaining provisions. Many of the more detailed regulatory requirements are removed. Since part 923 largely addresses requirements for the development and approval of coastal management programs, many of these changes do not apply to those states that already have federally approved CZM programs. For the eligible coastal states that do not yet have approved programs, OCRM will continue to provide necessary guidance, and actual and timely notice of appropriate application procedures. In particular, OCRM will continue to work with the 5 coastal states currently developing programs in order to ensure that those programs meet the criteria for federal approval. Finally, the rule removes 15 CFR part 933 because it implements a portion of the CZMA that was repealed in 1986. OCRM will provide guidance on a corresponding technical assistance provision that was added to the CZMA in the Coastal Zone Act Reauthorization Amendments of 1990.

D. Updates Program Change Regulations

The rule updates the program change regulations so that they more precisely reflect the structure of coastal management programs. In particular, the four criteria identified at 15 CFR 923.80(d)(1)-(4), by which program changes are assessed by OCRM, are replaced with a reference to the five program approvability areas identified in part 923: (1) uses subject to

management, (2) special management areas, (3) boundaries, (4) authorities and organization, and (5) coordination, public involvement and national interest. These criteria will apply when states submit their proposed program changes to OCRM for review and approval; they are intended to assist in OCRM's evaluation of a program change.

The revised definition of a program amendment located at 15 CFR 923.80(d) is intended to ease rather than increase the administrative burden of states. While the four criteria were an effort to group the program approvability areas, not all program changes fit squarely within the four groups. The rule repeats the headings of subparts B through F of part 923, and so, tracks the program approvability areas. In addition, states may refer to these subparts for assistance in their analysis of a program change. Furthermore, states are no longer required to address those program areas that do not apply to their proposed changes. Rather, the rule allows states to discuss one or more of the program areas that would be affected by a change. Thus, the rule allows states greater flexibility to provide a more focused analysis. OCRM anticipates that the great majority of program change requests will continue to be routine program changes, i.e., OCRM does not anticipate that the revision will increase the number of program changes that are determined to be substantial in nature.

The element of 15 CFR 923.80(d) relating to special management areas has been simplified from "criteria or procedures for designating or managing areas [of] particular concern or areas for preservation or restoration," to the heading for subpart C of part 923: "special management areas." OCRM does not anticipate that this revision will increase the number of program changes relating to special management areas that will be determined to be amendments. Specifically, the elimination of the phrase "criteria or procedures for designating or managing" is not intended to broaden the scope of this element. Conversely, OCRM declines to reinsert this phrase into 15 CFR 923.80(d) because, in practice, this phrase has proven to be of little utility to coastal states submitting program changes in this category. Rather, the test for an amendment to the special management area portion of a coastal management program remains unchanged: the program change must be substantial. In other words, under both the old and the new language, whether a change in this area of a state's program constitutes an amendment requires an

evaluation of whether the program change is substantial.

The addition of "authorities" as a partial fifth category in 15 CFR 923.80(d) is merely a restructuring of the definition of program amendment. Previously, the term "authorities" was used at the outset of the definition of program amendment, and proved to be a source of confusion. Again, the test of whether a change is substantial, and therefore an amendment, remains unchanged. Minor program changes, including minor changes in authorities, remain approvable through the routine program change process.

The addition of an "organization" element to 15 CFR 923.80(d) clarifies that federal approval of coastal programs is indeed predicated, in part, on whether the state is organized to manage its coastal zone in an effective manner. The prior four criteria contained in § 923.80(d) did not assist states in analyzing the impacts of organizational changes, whereas the revision explicitly addresses this area of program approvability. Again, minor program changes, including minor organizational changes, remain approvable through the routine program change process.

The rule also adds explanatory statements concerning the addition of any enforceable policies to management programs. These statements reflect Congress' increased focus on enforceable policies in the Coastal Zone Act Reauthorization Amendments of 1990. OCRM, federal agencies, applicants for federal licenses or permits, and often the state coastal programs themselves, cannot always identify the enforceable policies in a program. OCRM recognizes that events beyond a coastal management program's control can change the enforceability of a policy. However, OCRM needs to know just what is being changed at the time of a program change, and federal agencies and applicants should be allowed to comment on the enforceable policies submitted for incorporation.

To be sure, coastal management programs allow for flexibility in state coastal management efforts. Certain changes in coastal management efforts may not need OCRM approval because they do not affect the federally-approved program. In other words, states structured their coastal management programs with varying levels of detail sufficient to "guide public and private uses of lands and waters in the coastal zone." CZMA section 304(12). Depending on the nature of the particular state coastal management program and the nature of the management change, a state may

make minor adjustments in how it manages the coastal zone without necessarily changing its approved coastal management program.

Alternatively, a state may determine that a necessary change in its federally-approved coastal management program is so insignificant that it need not be submitted to OCRM for review. However, the expenditure of CZMA funds is limited to those approved parts of a state's program (with an exception identified in CZMA section 306(e)(3)(B)), as is the requirement of federal consistency. In addition, this regulatory revision does not change the possibility that failure to submit program changes for OCRM approval may lead to adverse evaluation findings (15 CFR 928.5(a)(3)(i)(G) has been redesignated as 15 CFR 923.135(a)(3)(i)(G)). The routine program change procedure is intended to be an administratively efficient means by which states may submit, on a routine or periodic basis, insubstantial program changes for OCRM review and approval. OCRM shares the desire of coastal states to minimize administrative burdens and will work cooperatively to achieve this goal.

Finally, the term "routine program implementation" is changed to the more descriptive term "routine program change," and existing agency practice that allows for the resubmittal of routine program change requests is codified.

III. Miscellaneous Rulemaking Requirements

Executive Order 12372: Intergovernmental Review

This program is subject to Executive Order 12372.

Executive Order 12612: Federalism Assessment

NOAA has concluded that this regulatory action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 12612.

Executive Order 12866: Regulatory Planning and Review

This regulatory action is not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the rule will not have a significant impact on a substantial number of small entities because (1) the rule addresses CZM

programs of coastal states and territories, (2) those provisions that are being removed, because they are outdated or repeat statutory language, are unnecessary for the development and implementation of CZM programs, and (3) the revision and consolidation of remaining provisions will impose no additional burden on small entities. In particular, the update of the CZM program change regulations will help ensure the continued approvability of CZM programs. Accordingly, a Regulatory Flexibility Analysis was not prepared.

Paperwork Reduction Act

The rule contains collection-of-information requirements subject to review and approval by OMB under the Paperwork Reduction Act (PRA). The collection-of-information requirements contained in this rule have been approved under OMB Control Number 0648-0119. The estimated response times for these requirements are 480 hours for management program approval and 8 hours for program amendments and routine program changes. The response estimates shown include the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

National Environmental Policy Act

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required.

List of Subjects

15 CFR Parts 923, 928 and 932

Administrative practice and procedure, Coastal zone, Grant programs—Natural resources, Reporting and recordkeeping requirements.

15 CFR Part 927

Administrative practice and procedure, Coastal zone, Grant programs—Natural resources.

15 CFR Part 933

Administrative practice and procedure, Coastal zone, Grant programs—Natural resources, Reporting

and recordkeeping requirements, Research.

Dated: June 21, 1996.

David Evans,
*Acting Deputy Assistant Administrator for
Ocean Services and Coastal Zone
Management.*

For the reasons set out in the Preamble, 15 CFR Chapter IX is amended as follows:

1. The heading for Part 923 is revised to read as follows:

PART 923—COASTAL ZONE MANAGEMENT PROGRAM REGULATIONS

2. The table of contents for Part 923 is revised to read as follows:

Subpart A—General

Sec.

- 923.1 Purpose and scope.
- 923.2 Definitions.
- 923.3 General requirements.

Subpart B—Uses Subject to Management

- 923.10 General.
- 923.11 Uses subject to management.
- 923.12 Uses of regional benefit.
- 923.13 Energy facility planning process.

Subpart C—Special Management Areas

- 923.20 General.
- 923.21 Areas of particular concern.
- 923.22 Areas for preservation or restoration.
- 923.23 Other areas of particular concern.
- 923.24 Shorefront access and protection planning.
- 923.25 Shoreline erosion/mitigation planning.

Subpart D—Boundaries

- 923.30 General.
- 923.31 Inland boundary.
- 923.32 Lakeward or seaward boundary.
- 923.33 Excluded lands.
- 923.34 Interstate boundary.

Subpart E—Authorities and Organization

- 923.40 General.
- 923.41 Identification of authorities.
- 923.42 State establishment of criteria and standards for local implementation—Technique A.
- 923.43 Direct State land and water use planning and regulation—Technique B.
- 923.44 State review on a case-by-case basis of actions affecting land and water uses subject to the management program—Technique C.
- 923.45 Air and water pollution control requirements.
- 923.46 Organizational structure.
- 923.47 Designated State agency.
- 923.48 Documentation.

Subpart F—Coordination, Public Involvement and National Interest

- 923.50 General.
- 923.51 Federal-State consultation.
- 923.52 Consideration of the national interest in facilities.
- 923.53 Federal consistency procedures.
- 923.54 Mediation.

923.55 Full participation by State and local governments, interested parties, and the general public.

923.56 Plan coordination.

923.57 Continuing consultation.

923.58 Public hearings.

Subpart G—Review/Approval Procedures

923.60 Review/approval procedures.

Subpart H—Amendments to and Termination of Approved Management Programs

- 923.80 General.
- 923.81 Requests for amendments.
- 923.82 Amendment review/approval procedures.
- 923.83 Mediation of amendments.
- 923.84 Routine program changes.

Subpart I—Applications for Program Development of Implementation Grants

- 923.90 General.
- 923.91 State responsibility.
- 923.92 Allocation.
- 923.93 Eligible implementation costs.
- 923.94 Application for program development or implementation grants.
- 923.95 Approval of applications.
- 923.96 Grant amendments.

Subpart J—Allocation of Section 306 Program Administration Grants

923.110 Allocation formula.

Subpart K—Coastal Zone Enhancement Grants Program

- 923.121 General.
- 923.122 Objectives.
- 923.123 Definitions.
- 923.124 Allocation of section 309 funds.
- 923.125 Criteria for section 309 project selection.
- 923.126 Pre-application procedures.
- 923.127 Formal application for financial assistance and application review and approval procedures.
- 923.128 Revisions to assessments and strategies.

Subpart L—Review of Performance

- 923.131 General.
- 923.132 Definitions.
- 923.133 Procedure for conducting continuing reviews of approved State CZM programs.
- 923.134 Public participation.
- 923.135 Enforcement.

3. The authority for Part 923 is revised to read as follows:

Authority: 16 U.S.C. 1452 *et seq.* Sections 923.92 and 923.94 are also issued under E.O. 12372, July 14, 1982, 3 CFR, 1982 Comp. p. 197, as amended by E.O. 12416, April 8, 1983, 3 CFR, 1983 Comp. p. 186; (31 U.S.C. 6506; 42 U.S.C. 3334).

4. Subpart J consisting of §§ 923.90 through 923.98 is removed, and Subparts A through I of Part 923 are revised to read as follows:

Subpart A—General**§ 923.1 Purpose and scope.**

(a) The regulations in this part set forth the requirements for State coastal management program approval by the Assistant Administrator for Ocean Services and Coastal Zone Management pursuant to the Coastal Zone Management Act of 1972, as amended (hereafter, the Act); the grant application procedures for program funds; conditions under which grants may be terminated; and requirements for review of approved management programs.

(b) Sections 306 and 307 of the Act set forth requirements which must be fulfilled as a condition of program approval. The specifics of these requirements are set forth below under the following headings: General Requirements; Uses Subject to Management; Special Management Areas; Boundaries; Authorities and Organization; and Coordination, Public Involvement and National Interest. All relevant sections of the Act are dealt with under one of these groupings, but not necessarily in the order in which they appear in the Act.

(c) In summary, the requirements for program approval are that a State develop a management program that:

- (1) Identifies and evaluates those coastal resources recognized in the Act as requiring management or protection by the State;
- (2) Reexamines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive, and enforceable;
- (3) Determines specific use and special geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns;
- (4) Identifies the inland and seaward areas subject to the management program;
- (5) Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements;
- (6) Includes sufficient legal authorities and organizational arrangements to implement the program and to ensure conformance to it. In arriving at these elements of the management program, States are obliged to follow an open process which involves providing information to and considering the interests of the general public, special interest groups, local governments, and regional, State, interstate, and Federal agencies;
- (7) Provides for public participation in permitting processes, consistency

determinations, and other similar decisions;

(8) Provides a mechanism to ensure that all state agencies will adhere to the program; and

(9) Contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the state required by section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

§ 923.2 Definitions.

(a) The term Act means the Coastal Zone Management Act of 1972, as amended.

(b) The term Secretary means the Secretary of Commerce and his/her designee.

(c) The term Assistant Administrator means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), or designee.

(d)(1) The term relevant Federal agencies means those Federal agencies with programs, activities, projects, regulatory, financing, or other assistance responsibilities in the following fields which could impact or affect a State's coastal zone:

- (i) Energy production or transmission,
- (ii) Recreation of a more than local nature,
- (iii) Transportation,
- (iv) Production of food and fiber,
- (v) Preservation of life and property,
- (vi) National defense,
- (vii) Historic, cultural, aesthetic, and conservation values,
- (viii) Mineral resources and extraction, and
- (ix) Pollution abatement and control.

(2) The following are defined as relevant Federal agencies: Department of Agriculture; Department of Commerce; Department of Defense; Department of Education; Department of Energy; Department of Health and Human Services; Department of Housing and Urban Development; Department of the Interior; Department of Transportation; Environmental Protection Agency; Federal Energy Regulatory Commission; General Services Administration, Nuclear Regulatory Commission; Federal Emergency Management Agency.

(e) The term Federal agencies principally affected means the same as "relevant Federal agencies." The Assistant Administrator may include other agencies for purposes of reviewing the management program and environmental impact statement.

(f) The term Coastal State means a State of the United States in, or

bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. Pursuant to section 304(3) of the Act, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa. Pursuant to section 703 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the term also includes the Northern Marianas.

(g) The term management program includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, including an articulation of enforceable policies and citation of authorities providing this enforceability, prepared and adopted by the State in accordance with the provisions of this Act and this part, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) The following terms, as used in these regulations, have the same definition as provided in section 304 of the Act:

- (1) Coastal zone;
- (2) Coastal waters;
- (3) Enforceable policy;
- (4) Estuary;
- (5) Land use; and
- (6) Water use.

(i) The term grant means a financial assistance instrument and refers to both grants and cooperative agreements.

§ 923.3 General requirements.

(a) The management program must be developed and adopted in accordance with the requirements of the Act and this part, after notice, and the opportunity for full participation by relevant Federal and State agencies, local governments, regional organizations, port authorities, and other interested parties and persons, and be adequate to carry out the purposes of the Act and be consistent with the national policy set forth in section 303 of the Act.

(b) The management program must provide for the management of those land and water uses having a direct and significant impact on coastal waters and those geographic areas which are likely to be affected by or vulnerable to sea level rise. The program must include provisions to assure the appropriate protection of those significant resources and areas, such as wetlands, beaches and dunes, and barrier islands, that make the State's coastal zone a unique, vulnerable, or valuable area.

(c) The management program must contain a broad class of policies for each

of the following areas: resource protection, management of coastal development, and simplification of governmental processes. These three broad classes must include specific policies that provide the framework for the exercise of various management techniques and authorities governing coastal resources, uses, and areas. The three classes must include policies that address uses of or impacts on wetlands and floodplains within the State's coastal zone, and that minimize the destruction, loss or degradation of wetlands and preserve and enhance their natural values in accordance with the purposes of Executive Order 11990, pertaining to wetlands. These policies also must reduce risks of flood loss, minimize the impact of floods on human safety, health and welfare, and preserve the natural, beneficial values served by floodplains, in accordance with the purposes of Executive Order 11988, pertaining to floodplains.

(d) The policies in the program must be appropriate to the nature and degree of management needed for uses, areas, and resources identified as subject to the program.

(e) The policies, standards, objectives, criteria, and procedures by which program decisions will be made must provide:

(1) A clear understanding of the content of the program, especially in identifying who will be affected by the program and how, and

(2) A clear sense of direction and predictability for decisionmakers who must take actions pursuant to or consistent with the management program.

Subpart B—Uses Subject to Management

§ 923.10 General.

This subpart sets forth the requirements for management program approvability with respect to land and water uses which, because of their direct and significant impacts on coastal waters or those geographic areas likely to be affected by or vulnerable to sea level rise, are subject to the terms of the management program. This subpart deals in full with the following subsections of the Act: 306(d)(1)(B), Uses Subject to the Management Program, 306(d)(2)(H), Energy Facility Planning, and 306(d)(12)(B), Uses of Regional Benefit.

§ 923.11 Uses subject to management.

(a) (1) The management program for each coastal state must include a definition of what shall constitute permissible land uses and water uses

within the coastal zone which have a direct and significant impact on the coastal waters.

(2) The management program must identify those land and water uses that will be subject to the terms of the management program. These uses shall be those with direct and significant impacts on coastal waters or on geographic areas likely to be affected by or vulnerable to sea level rise.

(3) The management program must explain how those uses identified in paragraph (a)(2) of this section will be managed. The management program must also contain those enforceable policies, legal authorities, performance standards or other techniques or procedures that will govern whether and how uses will be allowed, conditioned, modified, encouraged or prohibited.

(b) In identifying uses and their appropriate management, a State should analyze the quality, location, distribution and demand for the natural and man-made resources of their coastal zone, and should consider potential individual and cumulative impacts of uses on coastal waters.

(c) States should utilize the following types of analyses:

(1) Capability and suitability of resources to support existing or projected uses;

(2) Environmental impacts on coastal resources;

(3) Compatibility of various uses with adjacent uses or resources;

(4) Evaluation of inland and other location alternatives; and

(5) Water dependency of various uses and other social and economic considerations.

(d) Examination of the following factors is suggested:

(1) Air and water quality;

(2) Historic, cultural and esthetic resources where coastal development is likely to affect these resources;

(3) Open space or recreational uses of the shoreline where increased access to the shorefront is a particularly important concern;

(4) Floral and faunal communities where loss of living marine resources or threats to endangered or threatened coastal species are particularly important concerns.

(5) Information on the impacts of global warming and resultant sea level rise on natural resources such as beaches, dunes, estuaries, and wetlands, on salinization of drinking water supplies, and on properties, infrastructure and public works.

§ 923.12 Uses of regional benefit.

The management program must contain a method of assuring that local

land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit. To this end, the management program must:

(a) Identify what constitutes uses of regional benefit; and

(5) Identify and utilize any one or a combination of methods, consistent with the control techniques employed by the State, to assure local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit.

§ 923.13 Energy facility planning process.

The management program must contain a planning process for energy facilities likely to be located in or which may significantly affect, the coastal zone, including a process for anticipating the management of the impacts resulting from such facilities. (See subsection 304(5) of the Act.) This process must contain the following elements:

(a) Identification of energy facilities which are likely to locate in, or which may significantly affect, a State's coastal zone;

(5) Procedures for assessing the suitability of sites for such facilities designed to evaluate, to the extent practicable, the costs and benefits of proposed and alternative sites in terms of State and national interests as well as local concerns;

(c) Articulation and identification of enforceable State policies, authorities and techniques for managing energy facilities and their impacts; and

(d) Identification of how interested and affected public and private parties will be involved in the planning process.

Subpart C—Special Management Areas

§ 923.20 General.

(a) This subpart sets forth the requirements for management program approvability with respect to areas of particular concern because of their coastal-related values or characteristics, or because they may face pressures which require detailed attention beyond the general planning and regulatory system which is part of the management program. As a result, these areas require special management attention within the terms of the State's overall coastal program. This special management may include regulatory or permit requirements applicable only to the area of particular concern. It also may include increased intergovernmental coordination, technical, assistance,

enhanced public expenditures, or additional public services and maintenance to a designated area. This subpart deals with the following subsections of the Act: 306(d)(2)(C)-Geographic Areas of Particular Concern; 306(d)(2)(E)-Guidelines on Priorities of Uses; 306(d)(2)(G)-Shorefront Access and protection Planning; 306(d)(2)(I)-Shoreline Erosion/Mitigation Planning; and 306(d)(9)-Areas for Preservation and Restoration.

(b) The importance of designating areas of particular concern for management purposes and the number and type of areas that should be designated is directly related to the degree of comprehensive controls applied throughout a State's coastal zone. Where a State's general coastal management policies and authorities address state and national concerns comprehensively and are specific with respect to particular resources and uses, relatively less emphasis need be placed on designation of areas of particular concern. Where these policies are limited and non-specific, greater emphasis should be placed on areas of particular concern to assure effective management and an adequate degree of program specificity.

§ 923.21 Areas of particular concern.

(a) The management program must include an inventory and designation of areas of particular concern within the coastal zone, on a generic and/or site-specific basis, and broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(b) In developing criteria for inventorying and designating areas of particular concern. States must consider whether the following represent areas of concern requiring special management:

(1) Areas of unique, scarce, fragile or vulnerable natural habitat; unique or fragile, physical, figuration (as, for example, Niagara Falls); historical significance, cultural value or scenic importance (including resources on or determined to be eligible for the National Register of Historic Places.);

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique hydrologic, geologic or topographic significance for

industrial or commercial development or for dredge spoil disposal;

(6) Areas or urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas where, if development were permitted, it might be subject to significant hazard due to storms, slides, floods, erosion, settlement, salt water intrusion, and sea level rise;

(8) Areas needed to protect, maintain or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

(c) Where states will involve local governments, other state agencies, federal agencies and/or the public in the process of designating areas of particular concern, States must provide guidelines to those who will be involved in the designation process. These guidelines shall contain the purposes, criteria, and procedures for nominating areas of particular concern.

(d) In identifying areas of concern by location (if site specific) or category of coastal resources (if generic), the program must contain sufficient detail to enable affected landowners, governmental entities and the public to determine with reasonable certainty whether a given area is designated.

(e) In identifying areas of concern, the program must describe the nature of the concern and the basis on which designations were made.

(f) The management program must describe how the management program addresses and resolves the concerns for which areas are designated; and

(g) The management program must provide guidelines regarding priorities of uses in these areas, including guidelines on uses of lowest priority.

§ 923.22 Areas for preservation or restoration.

The management program must include procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, historical or esthetic values, and the criteria for such designations.

§ 923.23 Other areas of particular concern.

(a) The management program may, but is not required to, designate specific areas known to require additional or special management, but for which additional management techniques have not been developed or necessary authorities have not been established at the time of program approval. If a management program includes such designations, the basis for designation

must be clearly stated, and a reasonable time frame and procedures must be set forth for developing and implementing appropriate management techniques. These procedures must provide for the development of those items required in § 923.21. The management program must identify an agency (or agencies) capable of formulating the necessary management policies and techniques.

(b) The management program must meet the requirements of § 923.22 for containing procedures for designating areas for preservation or restoration. The management program may include procedures and criteria for designating areas of particular concern for other than preservation or restoration purposes after program approval.

§ 923.24 Shorefront access and protection planning.

(a) The management program must include a definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value.

(b) The basic purpose in focusing special planning attention on shorefront access and protection is to provide public beaches and other public coastal areas of environmental, recreational, historic, esthetic, ecological or cultural value with special management attention within the purview of the State's management program. This special management attention may be achieved by designating public shorefront areas requiring additional access or protection as areas of particular concern pursuant to § 923.21 or areas for preservation or restoration pursuant to § 923.22.

(c) The management program must contain a procedure for assessing public beaches and other public areas, including State owned lands, tidelands and bottom lands, which require access or protection, and a description of appropriate types of access and protection.

(d) The management program must contain a definition of the term "beach" that is the broadest definition allowable under state law or constitutional provisions, and an identification of public areas meeting that definition.

(e) The management program must contain an identification and description of enforceable policies, legal authorities, funding program and other techniques that will be used to provide such shorefront access and protection that the State's planning process indicates is necessary.

§ 923.25 Shoreline erosion/mitigation planning.

(a) The management program must include a planning process for assessing the effects of, and studying and evaluating ways to control, or lessen the impact of, shoreline erosion, including potential impacts of sea level rise, and to restore areas adversely affected by such erosion. This planning process may be within the broader context of coastal hazard mitigation planning.

(b) The basic purpose in developing this planning process is to give special attention to erosion issues. This special management attention may be achieved by designating erosion areas as areas of particular concern pursuant to § 923.21 or as areas for preservation or restoration pursuant to § 923.22.

(c) The management program must include an identification and description of enforceable policies, legal authorities, funding techniques and other techniques that will be used to manage the effects of erosion, including potential impacts of sea level rise, as the state's planning process indicates is necessary.

Subpart D—Boundaries

§ 923.30 General.

This subpart sets forth the requirements for management program approvability with respect to boundaries of the coastal zone. There are four elements to a State's boundary: the inland boundary, the seaward boundary, areas excluded from the boundary, and, in most cases, interstate boundaries. Specific requirements with respect to procedures for determining and identifying these boundary elements are discussed in the sections of this subpart that follow.

§ 923.31 Inland boundary.

(a) The inland boundary of a State's coastal zone must include:

(1) Those areas the management of which is necessary to control uses which have direct and significant impacts on coastal waters, or are likely to be affected by or vulnerable to sea level rise, pursuant to section 923.11 of these regulations.

(2) Those special management areas identified pursuant to § 923.21;

(3) Waters under saline influence—waters containing a significant quantity of seawater, as defined by and uniformly applied by the State;

(4) Salt marshes and wetlands—Areas subject to regular inundation of tidal salt (or Great Lakes) waters which contain marsh flora typical of the region;

(5) Beaches—The area affected by wave action directly from the sea. Examples

are sandy beaches and rocky areas usually to the vegetation line;

(6) Transitional and intertidal areas—Areas subject to coastal storm surge, and areas containing vegetation that is salt tolerant and survives because of conditions associated with proximity to coastal waters. Transitional and intertidal areas also include dunes and rocky shores to the point of upland vegetation;

(7) Islands—Bodies of land surrounded by water on all sides. Islands must be included in their entirety, except when uses of interior portions of islands do not cause direct and significant impacts.

(8) The inland boundary must be presented in a manner that is clear and exact enough to permit determination of whether property or an activity is located within the management area. States must be able to advise interested parties whether they are subject to the terms of the management program within, at a maximum, 30 days of receipt of an inquiry. An inland coastal zone boundary defined in terms of political jurisdiction (e.g., county, township or municipal lines) cultural features (e.g., highways, railroads), planning areas (e.g., regional agency jurisdictions, census enumeration districts), or a uniform setback line is acceptable so long as it includes the areas indentified.

(b) The inland boundary of a State's coastal zone may include:

(1) Watersheds—A state may determine some uses within entire watersheds which have direct and significant impact on coastal waters or are likely to be affected by or vulnerable to sea level rise. In such cases it may be appropriate to define the coastal zone as including these watersheds.

(2) Areas of tidal influence that extend further inland than waters under saline influence; particularly in estuaries, deltas and rivers where uses inland could have direct and significant impacts on coastal waters or areas that are likely to be affected by or vulnerable to sea level rise.

(3) Indian lands not held in trust by the Federal Government.

(c) In many urban areas or where the shoreline has been modified extensively, natural system relationships between land and water may be extremely difficult, if not, impossible, to define in terms of direct and significant impacts. Two activities that States should consider as causing direct and significant impacts on coastal waters in urban areas are sewage discharges and urban runoff. In addition, States should consider dependency of uses on water access and visual relationships as factors

appropriate for the determination of the inland boundary in highly urbanized areas.

§ 923.32 Lakeward or seaward boundary.

(a) (1) For states adjoining the Great Lakes, the lakeward boundary of the State's coastal zone is the international boundary with Canada or the boundaries with adjacent states. For states adjacent to the Atlantic or Pacific Ocean, or the Gulf of Mexico, the seaward boundary is the outer limit of state title and ownership under the Submerged Lands Act (48 U.S.C. 1301 et seq.), the Act of March 2, 1917 (48 U.S.C. 749), the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 (48 U.S.C. 1681 note) or section 1 of the Act of November 10, 1963, (48 U.S.C. 1705, as applicable).

(2) The requirement for defining the seaward boundary of a State's coastal zone can be met by a simple restatement of the limits defined in this section, unless there are water areas which require a more exact delineation because of site specific policies associated with these areas. Where States have site specific policies for particular water areas, these shall be mapped, described or referenced so that their location can be determined reasonably easily by any party affected by the policies.

(b) The seaward limits, as defined in this section, are for purposes of this program only and represent the area within which the State's management program may be authorized and financed. These limits are irrespective of any other claims States may have by virtue of other laws.

§ 923.33 Excluded lands.

(a) The boundary of a State's coastal zone must exclude lands owned, leased, held in trust or whose use is otherwise by law subject solely to the discretion of the Federal Government, its officers or agents. To meet this requirement, the program must describe, list or map lands or types of lands owned, leased, held in trust or otherwise used solely by Federal agencies.

(b) The exclusion of Federal lands does not remove Federal agencies from the obligation of complying with the consistency provisions of section 307 of the Act when Federal actions on these excluded lands have spillover impacts that affect any land or water use or natural resource of the coastal zone within the purview of a state's management program. In excluding Federal lands from a State's coastal zone

for the purposes of this Act, a State does not impair any rights or authorities that it may have over Federal lands that exist separate from this program.

§ 923.34 Interstate boundary.

States must document that there has been consultation and coordination with adjoining coastal States regarding delineation of any adjacent inland and lateral seaward boundary.

Subpart E—Authorities and Organization

§ 923.40 General.

(a) This subpart sets forth the requirements for management program approvability with respect to authorities and organization. The authorities and organizational structure on which a State will rely to administer its management program are the crucial underpinnings for enforcing the policies which guide the management of the uses and areas identified in its management program. There is a direct relationship between the adequacy of authorities and the adequacy of the overall program. The authorities need to be broad enough in both geographic scope and subject matter to ensure implementation of the State's enforceable policies. These enforceable policies must be sufficiently comprehensive and specific to regulate land and water uses, control development, and resolve conflicts among competing uses in order to assure wise use of the coastal zone. (Issues relating to the adequate scope of the program are dealt with in § 923.3.)

(b) The entity or entities which will exercise the program's authorities is a matter of State determination. They may be the state agency designated pursuant to section 306(d)(6) of the Act, other state agencies, regional or interstate bodies, and local governments. The major approval criterion is a determination that such entity or entities are required to exercise their authorities in conformance with the policies of the management program. Accordingly, the essential requirement is that the State demonstrate that there is a means of ensuring such compliance. This demonstration will be in the context of one or a combination of the three control techniques specified in section 306(d)(11) of the Act. The requirements related to section 306(d)(12) of the Act are described in §§ 923.42 through 923.44 of this subchapter.

(c) In determining the adequacy of the authorities and organization of a state's programs, the Assistant Administrator will review and evaluate authorities and

organizational arrangements in light of the requirements of this subpart and the finding of section 302(h) of the Act.

(d) The authorities requirements of the Act dealt with in this subpart are those contained in subsections 306(d)(2)(D)-Means of Control; 306(d)(10)-Authorities; 306(d)(10)(A)-Control Development and Resolve Conflicts; 306(d)(10)(B)-Powers of Acquisition; 306(d)(11)-Techniques of Control; and 307(f)-Air and Water Quality Control Requirements. The organization requirements of the Act dealt with in this subpart are those contained in sections 306(d)(2)(F)-Organizational Structure; 306(d)(6)-Designated State Agency; and 306(d)(7)-Organization.

§ 923.41 Identification of authorities.

(a) (1) The management program must identify the means by which the state proposes to exert control over the permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters, including a listing of relevant state constitutional provisions, laws, regulations, and judicial decisions. These are the means by which the state will enforce its coastal management policies. (See section 304(6a) of the Act.)

(2) The state chosen agency or agencies (including local governments, area-wide agencies, regional agencies, or interstate agencies) must have the authority for the management of the coastal zone. Such authority includes the following powers:

(i) To administer land use and water use regulations to control development to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(ii) To acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(b) In order to meet these requirements, the program must identify relevant state constitutional provisions, statutes, regulations, case law and such other legal instruments (including executive orders and interagency agreements) that will be used to carry out the state's management program, including the authorities pursuant to sections 306(d)(10) and 306(d)(11) of the Act which require a state to have the ability to:

(1) Administer land and water use regulations in conformance with the policies of the management program;

(2) Control such development as is necessary to ensure compliance with the management program;

(3) Resolve conflicts among competing uses; and

(4) Acquire appropriate interest in lands, waters or other property as necessary to achieve management objectives. Where acquisition will be a necessary technique for accomplishing particular program policies and objectives, the management program must indicate for what purpose acquisition will be used (i.e., what policies or objectives will be accomplished); the type of acquisition (e.g., fee simple, purchase of easements, condemnation); and what agency (or agencies) of government have the authority for the specified type of acquisition.

§ 923.42 State establishment of criteria and standards for local implementation-Technique A.

(a) The management program must provide for any one or a combination of general techniques specified in subsection 306(d)(11) of the Act for control of land uses and water uses within the coastal zone. The first such control technique, at subsection 306(d)(11)(A) of the Act, is state establishment of criteria and standards for local implementation, subject to administrative review and enforcement (control technique A).

(b) There are 5 principal requirements that control technique A must embody in order to be approved:

(1) The State must have developed and have in effect at the time of program approval enforceable policies that meet the requirements of § 923.3. These policies must serve as the standards and criteria for local program development or the State must have separate standards and criteria, related to these enforceable policies, that will guide local program development.

(2) During the period while local programs are being developed, a State must have sufficient authority to assure that land and water use decisions subject to the management program will comply with the program's enforceable policies. The adequacy of these authorities will be judged on the same basis as specified for direct State controls or case-by-case reviews.

(3) A State must be able to ensure that coastal programs will be developed pursuant to the State's standards and criteria, or failing this, that the management program can be implemented directly by the State. This requirement can be met if a State can exercise any one of the following techniques:

(i) Direct State enforcement of its standards and criteria in which case a State would need to meet the requirements of this section which address the direct State control technique;

(ii) Preparation of a local program by a State agency which the local government then would implement. To use this technique the State must have statutory authority to prepare and adopt a program for a local government, and a mechanism by which the State can cause the local government to enforce the State-created program. Where the mechanism to assure local enforcement will be judicial relief, the program must include the authority under which judicial relief can be sought;

(iii) State preparation and enforcement of a program on behalf of a local government. Here the State must have the authority to:

(A) Prepare and adopt a plan, regulations, and ordinances for the local government and

(B) Enforce such plans, regulations and ordinances;

(iv) State review of local government actions on a case-by-case basis or on appeal, and prevention of actions inconsistent with the standards and criteria. Under this technique, when a local government fails to adopt an approvable program, the State must have the ability to review activities in the coastal zone subject to the management program and the power to prohibit, modify or condition those activities based on the policies, standards and criteria of the management program; or

(v) If a locality fails to adopt a management program, the State may utilize a procedure whereby the responsibility for preparing a program shifts to an intermediate level government, such as a county. If this intermediate level of government fails to produce a program, then the State must have the ability to take one of the actions described above. This alternative cannot be used where the intermediate level of government lacks the legal authority to adopt and implement regulations necessary to implement State policies, standards and criteria.

(4) A State must have a procedure whereby it reviews and certifies the local program's compliance with State standards and criteria. This procedure must include provisions for:

(i) Opportunity for the public and governmental entities (including Federal agencies) to participate in the development of local programs; and

(ii) Opportunity for the public and governmental entities (including

Federal agencies) to make their views known (through public hearings or other means) to the State agency prior to approval of local programs; and

(iii) Review by the State of the adequacy of local programs consideration of facilities identified in a State's management program in which there is a national interest.

(5) A State must be able to assure implementation and enforcement of a local program once approved. To accomplish this a State must:

(i) Establish a monitoring system which defines what constitutes and detects patterns of non-compliance. In the case of uses of regional benefit and facilities in which there is a national interest, the monitoring system must be capable of detecting single instances of local actions affecting such uses or facilities in a manner contrary to the management program.

(ii) Be capable of assuring compliance when a pattern of deviation is detected or when a facility involving identified national interests or a use of regional benefit is affected in a manner contrary to the program's policies. When State action is required because of failure by a local government to enforce its program, the State must be able to do one or a combination of the following:

(A) Directly enforce the entire local program;

(B) Directly enforce that portion of the local program that is being enforced improperly. State intervention would be necessary only in those local government activities that are violating the policies, standards or criteria.

(C) Seek judicial relief against local government for failure to properly enforce;

(D) Review local government actions on a case-by-case basis or on appeal and have the power to prevent those actions inconsistent with the policies and standards.

(E) Provide a procedure whereby the responsibility for enforcing a program shifts to an intermediate level of government, assuming statutory authority exists to enable the immediate of government to assume this responsibility.

§ 923.43 Direct State land and water use planning and regulation- Technique B.

(a) The management program must provide for any one or a combination of general techniques specified in subsection 306(d)(11) of the Act for control of land and water uses within the coastal zone. The second such control technique, at subsection 306(d)(11)(B) of the Act, is direct state land and water use planning and regulation (control technique B).

(b) To have control technique B approved, the State must have the requisite direct authority to plan and regulate land and water uses subject to the management program. This authority can take the form of:

(1) Comprehensive legislation—A single piece of comprehensive legislation specific to coastal management and the requirements of this Act.

(2) Networking—The utilization of authorities which are compatible with and applied on the basis of coastal management policies developed pursuant to § 923.3.

(c) In order to apply the networking concept, the State must:

(1) Demonstrate that, taken together, existing authorities can and will be used to implement the full range of policies and management techniques identified as necessary for coastal management purposes; and

(2) Bind each party which exercises statutory authority that is part of the management program to conformance with relevant enforceable policies and management techniques. Parties may be bound to conformance through an executive order, administrative directive or a memorandum of understanding provided that:

(i) The management program authorities provide grounds for taking action to ensure compliance of networked agencies with the program. It will be sufficient if any of the following can act to ensure compliance: The state agency designated pursuant to subsection 306(d)(6) of the Act, the state's Attorney General, another state agency, a local government, or a citizen.

(ii) The executive order, administrative directive or memorandum of understanding establishes conformance requirements of other State agency activities or authorities to management program policies. A gubernatorial executive order will be acceptable if networked State agency heads are directly responsible to the Governor.

(3) Where networked State agencies can enforce the management program policies at the time of section 306 approval without first having to revise their operating rules and regulations, then any proposed revisions to such rules and regulations which would enhance or facilitate implementation need not be accomplished prior to program approval. Where State agencies cannot enforce coastal policies without first revising their rules and regulations, then these revisions must be made prior to approval of the State's program by the Assistant Administrator.

§ 923.44 State review on a case-by-case basis of actions affecting land and water uses subject to the management program—Technique C.

(a) The management program must provide for any one or a combination of general techniques specified in subsection 306(d)(11) of the Act for control of land and water uses within the coastal zone. The third such control technique, at subsection 306(d)(11)(C) of the Act, is state administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings (control technique C).

(b) Under case-by-case review, States have the power to review individual development plans, projects or land and water use regulations (including variances and exceptions thereto) proposed by any State or local authority or private developer which have been identified in the management program as being subject to review for consistency with the management program. This control technique requires the greatest degree of policy specificity because compliance with the program will not require any prior actions on the part of anyone affected by the program. Specificity also is needed to avoid challenges that decisions (made pursuant to the management program) are unfounded, arbitrary or capricious.

(c) To have control technique C approved, a State must:

(1) Identify the plans, projects or regulations subject to review, based on their significance in terms of impacts on coastal resources, potential for incompatibility with the State's coastal management program, and having greater than local significance;

(2) Identify the State agency that will conduct this review;

(3) Include the criteria by which identified plans, projects and regulations will be approved or disapproved;

(4) Have the power to approve or disapprove identified plans, projects or regulations that are inconsistent with the management program, or the power to seek court review thereof; and

(5) Provide public notice of reviews and the opportunity for public hearing prior to rendering a decision on each case-by-case review.

§ 923.45 Air and water pollution control requirements.

The program must incorporate, by reference or otherwise, all requirements

established by the Federal Water Pollution Control Act, as amended (Clean Water Act or CWA), or the Clean Air Act, as amended (CAA), or established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements must be the water pollution control and air pollution control requirements applicable to such program. Incorporation of the air and water quality requirements pursuant to the CWA and CAA should involve their consideration during program development, especially with respect to use determinations and designation of areas for special management. In addition, this incorporation will prove to be more meaningful if close coordination and working relationships between the State agency and the air and water quality agencies are developed and maintained throughout the program development process and after program approval.

§ 923.46 Organizational structure.

The State must be organized to implement the management program. The management program must describe the organizational structure that will be used to implement and administer the management program including a discussion of those state and other agencies, including local governments, that will have responsibility for administering, enforcing and/or monitoring those authorities or techniques required pursuant to the following subsections of the Act: 306(d)(3)(B); 306(d)(10); 306(d)(10) (A) and (B); 306(d) (11) and (12); and 307(f). The management program must also describe the relationship of these administering agencies to the state agency designated pursuant to subsection 306(d)(6) of the Act.

§ 923.47 Designated State agency.

(a) For program approval, the Governor of the state must designate a single state agency to receive and administer the grants for implementing the management program.

(1) This entity must have the fiscal and legal capability to accept and administer grant funds, to make contracts or other arrangements (such as passthrough grants) with participating agencies for the purpose of carrying out specific management tasks and to account for the expenditure of the implementation funds of any recipient of such monies, and

(2) This entity must have the administrative capability to monitor and evaluate the management of the State's coastal resources by the various agencies and/or local governments with

specified responsibilities under the management program (irrespective of whether such entities receive section 306 funds); to make periodic reports to the Office of Ocean and Coastal Resource Management (OCRM), the Governor, or the State legislature, as appropriate, regarding the performance of all agencies involved in the program. The entity also must be capable of presenting evidence of adherence to the management program or justification for deviation as part of the review by OCRM of State performance required by section 312 of the Act.

(b) (1) The 306 agency designation is designed to establish a single point of accountability for prudent use of administrative funds in the furtherance of the management and for monitoring of management activities. Designation does not imply that this single agency need be a "super agency" or the principal implementation vehicle. It is, however, the focal point for proper administration and evaluation of the State's program and the entity to which OCRM will look when monitoring and reevaluating a State's program during program implementation.

(2) The requirement for the single designated agency should not be viewed as confining or otherwise limiting the role and responsibilities which may be assigned to this agency. It is up to the State to decide in what manner and to what extent the designated State agency will be involved in actual program implementation or enforcement. In determining the extent to which this agency should be involved in program implementation or enforcement, specific factors should be considered, such as the manner in which local and regional authorities are involved in program implementation, the administrative structure of the State, the authorities to be relied upon and the agencies administering such authorities. Because the designated State agency may be viewed as the best vehicle for increasing the unity and efficiency of a management program, the State may want to consider the following in selecting which agency to designate:

(i) Whether the designated State entity has a legislative mandate to coordinate other State or local programs, plans and/or policies within the coastal zone;

(ii) To what extent linkages already exist between the entity, other agencies, and local governments;

(iii) To what extent management or regulatory authorities affecting the coastal zone presently are administered by the agency; and

(iv) Whether the agency is equipped to handle monitoring, evaluation and enforcement responsibilities.

§ 923.48 Documentation.

A transmittal letter signed by the Governor is required for the submission of a management program for federal approval. The letter must state that the Governor:

- (a) Has reviewed and approved as State policy, the management program, and any changes thereto, submitted for the approval of the Assistant Administrator.
- (b) Has designated a single State agency to receive and administer implementation grants;
- (c) Attests to the fact that the State has the authorities necessary to implement the management program; and
- (d) Attests to the fact that the State is organized to implement the management program.

Subpart F—Coordination, Public Involvement and National Interest**§ 923.50 General.**

(a) Coordination with governmental agencies having interests and responsibilities affecting the coastal zone, and involvement of interest groups as well as the general public is essential to the development and administration of State coastal management programs. The coordination requirements of this subpart are intended to achieve a proper balancing of diverse interests in the coastal zone. The policies of section 303 of the Act require that there be a balancing of variety, sometimes conflicting, interests, including:

(1) The preservation, protection, development and, where possible, the restoration or enhancement of coastal resources;

(2) The achievement of wise use of coastal land and water resources with full consideration for ecological, cultural, historic, and aesthetic values and needs for compatible economic development;

(3) The involvement of the public, of Federal, state and local governments and of regional agencies in the development and implementation of coastal management programs;

(4) The management of coastal development to improve, safeguard, and restore coastal water quality; and

(5) The study and development of plans for addressing the adverse effects of coastal hazards, including erosion, flooding, land subsidence and sea level rise.

(b) In order to be meaningful, coordination with and participation by various units and levels of government including regional commissions, interest groups, and the general public should begin early in the process of

program development and should continue throughout on a timely basis to assure that such efforts will result in substantive inputs into a State's management program. State efforts should be devoted not only to obtaining information necessary for developing the management program but also to obtaining reactions and recommendations regarding the content of the management program and to responding to concerns by interested parties. The requirements for intergovernmental cooperation and public participation continue after program approval.

(c) This subpart deals with requirements for coordination with governmental entities, interest groups and the general public to assure that their interests are fully expressed and considered during the program development process and that procedures are created to insure continued consideration of their views during program implementation. In addition, this subpart deals with mediation procedures for serious disagreements between States and Federal agencies that occur during program development and implementation. This subpart addresses the requirements of the following subsections of the Act: 306(d)(1)—Opportunity for Full Participation; 306(d)(3)(A)—Plan Coordination; 306(d)(3)(B)—Continued State-Local Consultation; 306(d)(4)—Public Hearings; 306(d)(8)—Consideration of the National Interest in Facilities; 307(b)—Federal Consultation; and 307(h)—Mediation.

§ 923.51 Federal-State consultation.

(a) The management program must be developed and adopted with the opportunity of full participation by relevant Federal agencies and with adequate consideration of the views of Federal agencies principally affected by such program.

(b) By providing relevant Federal agencies with the opportunity for full participation during program development and for adequately considering the views of such agencies, States can effectuate the Federal consistency provisions of subsections 307 (c) and (d) of the Act once their programs are approved. (See 15 CFR part 930 for a full discussion of the Federal consistency provisions of the Act.)

(c) In addition to the consideration of relevant Federal agency views required during program development, Federal agencies have the opportunity to provide further comment during the program review and approval process.

(See subpart G for details on this process.) Moreover, in the event of a serious disagreement between a relevant Federal agency and designated State agency during program development or during program implementation, the mediation provisions of subsection 307(h) of the Act are available. (See § 923.54 for details on mediation.)

(d) In order to provide an opportunity for participation by relevant Federal agencies and give adequate consideration to their views, each state must:

(1) Contact each relevant Federal Agency listed in § 923.2(d) and such other Federal agencies as may be relevant, owing to a State's particular circumstances, early in the development of its management program. The purpose of such contact is to develop mutual arrangements or understandings regarding that agency's participation during program development;

(2) Provide for Federal agency input on a timely basis as the program is developed. Such input shall be related both to information required to develop the management program and to evaluation of and recommendations concerning various elements of the management program;

(3) Solicit statements from the head of Federal agencies identified in Table 1 of § 923.52(c)(1) as to their interpretation of the national interest in the planning for and siting of facilities which are more than local in nature;

(4) Summarize the nature, frequency, and timing of contacts with relevant Federal agencies;

(5) Evaluate Federal comments received during the program development process and, where appropriate in the opinion of the State, accommodate the substance of pertinent comments in the management program. States must consider and evaluate relevant Federal agency views or comments about the following:

(i) Management of coastal resources for preservation, conservation, development, enhancement or restoration purposes;

(ii) Statements of the national interest in the planning for or siting of facilities which are more than local in nature;

(iii) Uses which are subject to the management program;

(iv) Areas which are of particular concern to the management program;

(v) Boundary determinations;

(vi) Shorefront access and protecting planning, energy facility planning and erosion planning processes; and

(vii) Federally developed or assisted plans that must be coordinated with the management program pursuant to subsection 306(d)(3) of the Act.

(6) Indicate the nature of major comments by Federal agencies provided during program development (either by including copies of comments or by summarizing comments) and discuss any major differences or conflicts between the management program and Federal views that have not been resolved at the time of program submission.

§ 923.52 Consideration of the national interest in facilities.

(a) The management program must provide for adequate consideration of the national interest involved in planning for, and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance. In the case of energy facilities, the State must have considered any applicable national or interstate energy plan or program.

(b) The primary purpose of this requirement is to assure adequate consideration by States of the national interest involved in the planning for and siting of facilities (which are necessary to meet other than local requirements) during:

(1) The development of the State's management program,

(2) The review and approval of the program by the Assistant Administrator, and

(3) The implementation of the program as such facilities are proposed.

(c) In order to fulfill this requirement, States must:

(1) Describe the national interest in the planning for and siting of facilities considered during program development.

(2) Indicate the sources relied upon for a description of the national interest in the planning for and siting of the facilities.

(3) Indicate how and where the consideration of the national interest is reflected in the substance of the management program. In the case of energy facilities in which there is a national interest, the program must indicate the consideration given any national or interstate energy plans or programs which are applicable to or affect a state's coastal zone.

(4) Describe the process for continued consideration of the national interest in the planning for and siting of facilities during program implementation, including a clear and detailed description of the administrative procedures and decision points where such interest will be considered.

§ 923.53 Federal consistency procedures.

(a) A State must include in its management program submission, as

part of the body of the submission an appendix or an attachment, the procedures it will use to implement the Federal consistency requirements of subsections 307 (c) and (d) of the Act. At a minimum, the following must be included:

(1) An indication of whether the state agency designated pursuant to subsection 306(d)(6) of the Act or a single other agency will handle consistency review (see 15 CFR 930.18);

(2) A list of Federal license and permit activities that will be subject to review (see 15 CFR 930.53);

(3) For States anticipating coastal zone effects from Outer Continental Shelf (OCS) activities, the license and permit list also must include OCS plans which describe in detail Federal license and permit activities (see 15 CFR 930.74); and

(4) The public notice procedures to be used for certifications submitted for Federal License and permit activities and, where appropriate, for OCS plans (see 15 CFR 930.61 through 930.62 and 930.78).

(b) Beyond the minimum requirements contained in paragraph (a) of this section, States have the option of including:

(1) A list of Federal activities, including development projects, which in the opinion of the State agency are likely to significantly affect the coastal zone and thereby will require a Federal agency consistency determination (see 15 CFR 930.35); and

(2) A description of the types of information and data necessary to assess the consistency of Federal license and permit activities and, where appropriate, those described in detail in OCS plans (see 15 CFR 930.56 and 930.75).

§ 923.54 Mediation.

(a) Section 307(h) of the Act provides for mediation of serious disagreement between any Federal agency and a coastal state in the development and implementation of a management program. In certain cases, mediation by the Secretary, with the assistance of the Executive Office of the President, may be an appropriate forum for conflict resolution.

(b) State-Federal differences should be addressed initially by the parties involved. Whenever a serious disagreement cannot be resolved between the parties concerned, either party may request the informal assistance of the Assistant Administrator in resolving the disagreement. This request shall be in writing, stating the points of disagreement and the reason therefore.

A copy of the request shall be sent to the other party to the disagreement.

(c) If a serious disagreement persists, the Secretary or other head of a relevant Federal agency, or the Governor or the head of the state agency designated by the Governor as administratively responsible for program development (if a state still is receiving section 305 program development grants) or for program implementation (if a state is receiving section 306 program implementation grants) may notify the Secretary in writing of the existence of a serious disagreement, and may request that the Secretary seek to mediate the serious disagreement. A copy of the written request must be sent to the agency with which the requesting agency disagrees and to the Assistant Administrator.

(d) Secretarial mediation efforts shall last only so long as the parties agree to participate. The Secretary shall confer with the Executive Office of the President, as necessary, during the mediation process.

(e) Mediation shall terminate:

(1) At any time the parties agree to a resolution of the serious disagreement,

(2) If one of the parties withdraws from mediation,

(3) In the event the parties fail to reach a resolution of the serious disagreement within 15 days following Secretarial mediation efforts, and the parties do not agree to extend mediation beyond that period, or

(4) For other good cause.

(f) The availability of the mediation services provided in this section is not intended expressly or implicitly to limit the parties' use of alternate forums to resolve disputes. Specifically, judicial review where otherwise available by law may be sought by any party to a serious disagreement without first having exhausted the mediation process provided herein.

§ 923.55 Full participation by State and local governments, interested parties, and the general public.

The management program must be developed and adopted with the opportunity of full participation by state agencies, local governments, regional commissions and organizations, port authorities, and other interested public and private parties. To meet this requirement, a State must:

(a) Develop and make available general information regarding the program design, its content and its status throughout program development;

(b) Provide a listing, as comprehensive as possible, of all governmental agencies, regional

organizations, port authorities and public and private organizations likely to be affected by or to have a direct interest in the development and implementation of the management program;

(c) Indicate the nature of major comments received from interested or affected parties, identified in paragraph (b)(2) of this section, and the nature of the State's response to these comments; and

(d) Hold public meetings, workshops, etc., during the course of program development at accessible locations and convenient times, with reasonable notice and availability of materials.

§ 923.56 Plan coordination.

(a) The management program must be coordinated with local, areawide, and interstate plans applicable to areas within the coastal zone—

(1) Existing on January 1 of the year in which the state's management program is submitted to the Secretary; and

(2) Which have been developed by a local government, an areawide agency, a regional agency, or an interstate agency.

(b) A State must insure that the contents of its management program has been coordinated with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Assistant Administrator for approval. To document this coordination, the management program must:

(1) Identify local governments, areawide agencies and regional or interstate agencies which have plans affecting the coastal zone in effect on January 1 of the year in which the management program is submitted;

(2) List or provide a summary of contacts with these entities for the purpose of coordinating the management program with plans adopted by a governmental entity as of January 1 of the year in which the management program is submitted. At a minimum, the following plans, affecting a State coastal zone, shall be reviewed: Land use plans prepared pursuant to section 701 of the Housing and Urban Development Act of 1968, as amended; State and areawide waste treatment facility or management plans prepared pursuant to sections 201 and 208 of the Clean Water Act, as amended; plans and designations made pursuant to the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended; hazard mitigation plans prepared pursuant to section 409 of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act; any applicable interstate energy plans or programs developed pursuant to section 309 of the Act; regional and interstate highway plans; plans developed by Regional Action Planning Commission; and fishery management plans developed pursuant to the Fisheries Conservation and Management Act.

(3) Identify conflicts with those plans of a regulatory nature that are unresolved at the time of program submission and the means that can be used to resolve these conflicts.

§ 923.57 Continuing consultation.

(a) As required by subsection 306(d)(3)(B) of the Act, a State must establish an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (6) of section 306(d) of the Act and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of those local governments and agencies in carrying out the purposes of this Act.

(b) The management program must establish a procedure whereby local governments with zoning authority are notified of State management program decisions which would conflict with any local zoning ordinance decision.

(1) "Management program decision" refers to any major, discretionary policy decisions on the part of a management agency, such as the determination of permissible land and water uses, the designation of areas or particular concern or areas for preservation or restoration, or the decision to acquire property for public uses. Regulatory actions which are taken pursuant to these major decisions are not subject to the State-local consultation mechanisms. A State management program decision is in conflict with a local zoning ordinance if the decision is contradictory to that ordinance. A State management program decision that consists of additional but not contradictory requirements is not in conflict with a local zoning ordinance, decision or other action;

(2) "Local government" refers to these defined in section 304(11) of the Act which have some form of zoning authority.

(3) "Local zoning ordinance, decision or other action" refers to any local government land or water use action which regulates or restricts the construction, alteration of use of land, water or structures thereon or thereunder. These actions include

zoning ordinances, master plans and official maps. A local government has the right to comment on a State management program decision when such decision conflicts with the above specified actions;

(4) Notification must be in writing and must inform the local government of its right to submit comments to the State management agency in the event the proposed State management program decision conflicts with a local zoning ordinance, decision or other action. The effect of providing such notice is to stay State action to implement its management decision for at least a 30-day period unless the local government waives its right to comment.

(5) "Waiver" of the right of local government to comment (thereby permitting a State agency to proceed immediately with implementation of the management program decision) shall result:

(i) Following State agency receipt of a written statement from a local government indicating that it either:

(A) Waives its right to comment; or

(B) Concurs with the management

program decision; or

(C) Intends to take action which conflicts or interferes with the management program decision; or

(ii) Following a public statement by a local government to the same effect as paragraph (b)(5)(i) of this section; or

(iii) Following an action by a local government that conflicts or interferes with the management program decision.

(6) The management program shall include procedures to be followed by a management agency in considering a local government's comments. These procedures shall include, at a minimum, circumstances under which the agency will exercise its discretion to hold a public hearing. Where public hearings will be held, the program must set forth notice and other hearing procedures that will be followed. Following State agency consideration of local comments (when a discretionary public hearing is not held) or following public hearing, the management agency shall provide a written response to the affected local government, affected local government, within a reasonable period of time and prior to implementation of the management program decision, on the results of the agency's consideration of public comments.

§ 923.58 Public hearings.

The management program must be developed and adopted after the holding of public hearings. A State must:

(a) Hold a minimum of two public hearings during the course of program

development, at least one of which will be on the total scope of the coastal management program. Hearings on the total management program do not have to be held on the actual document submitted to the Assistant Administrator for section 306 approval. However, such hearing(s) must cover the substance and content of the proposed management program in such a manner that the general public, and particularly affected parties, have a reasonable opportunity to understand the impacts of the management program. If the hearing(s) are not on the management document per se, all requests for such document must be honored and comments on the document received prior to submission of the document to the Assistant Administrator must be considered;

(b) Provide a minimum of 30 days public notice of hearing dates and locations;

(c) Make available for public review, at the time of public notice, all agency materials pertinent to the hearings; and

(d) Include a transcript or summary of the public hearing(s) with the State's program document or submit same within thirty (30) days following submittal of the program to the Assistant Administrator. At the same time this transcript or summary is submitted to the Assistant Administrator, it must be made available, upon request, to the public.

Subpart G—Review/Approval Procedures

§ 923.60 Review/approval procedures.

(a) All state management program submissions must contain an environmental assessment at the time of submission of the management program to OCRM for threshold review. In accordance with regulations implementing the National Environmental Policy Act of 1969, as amended, OCRM will assist the State by outlining the types of information required. (See 40 CFR § 1506.5 (a) and (b).)

(b) Upon submission by a State of its draft management program, OCRM will determine if it adequately meets the requirements of the Act and this part. Assuming positive findings are made and major revisions to the State's draft management program are not required, OCRM will prepare draft and final environmental impact statements, in accordance with National Environmental Policy Act requirements. Because the review process involves preparation and dissemination of draft and final environmental impact statements and lengthy Federal agency

review; states should anticipate that it will take at least 7 months between the time a state first submits a draft management program to OCRM for threshold review and the point at which the Assistant Administrator makes a final decision on whether to approve the management program. Certain factors will contribute to lengthening or shortening this time table; these factors are discussed in OCRM guidance on the review/approval process. The OCRM guidance also recommends a format for the program document submitted to the Assistant Administrator for review and approval.

Subpart H—Amendments to and Termination of Approved Management Programs

§ 923.80 General.

(a) This subpart establishes the criteria and procedures by which amendments, modifications or other changes to approved management programs may be made. This subpart also establishes the conditions and procedures by which administrative funding may be terminated for programmatic reasons.

(b) Any coastal state may amend or modify a management program which it has submitted and which has been approved by the Assistant Administrator under this subsection, subject to the conditions provided for subsection 306(e) of the Act.

(c) As required by subsection 312(d) of the Act, the Assistant Administrator shall withdraw approval of the management program of any coastal state and shall withdraw financial assistance available to that state under this title as well as any unexpended portion of such assistance, if the Assistant Administrator determines that the coastal state has failed to take the actions referred to in subsection 312(c)(2)(A) of the Act.

(d) For purposes of this subpart, amendments are defined as substantial changes in one or more of the following coastal management program areas:

- (1) Uses subject to management;
- (2) Special management areas;
- (3) Boundaries;
- (4) Authorities and organization; and
- (5) Coordination, public involvement and the national interest.

(e) OCRM will provide guidance on program changes. The five program management areas identified in § 923.80(d) are also discussed in subpart B through F of this part.

§ 923.81 Requests for amendments.

(a) Requests for amendments shall be submitted to the Assistant

Administrator by the Governor of a coastal state with an approved management program or by the head of the state agency (designated pursuant to subsection 306(d)(6) of the Act) if the Governor had delegated this responsibility and such delegation is part of the approved management program. Whenever possible, requests should be submitted prior to final State action to implement the amendment. At least one public hearing must be held on the proposed amendment, pursuant to subsection 306(d)(4) of the Act. Pursuant to section 311 of the Act, notice of such public hearing(s) must be announced at least 30 days prior to the hearing date. At the time of the announcement, relevant agency materials pertinent to the hearing must be made available to the public.

(b) Amendment requests must contain the following:

(1) A description of the proposed change, including specific pages and text of the management program that will be changed if the amendment is approved by the Assistant Administrator. This description shall also identify any enforceable policies to be added to the management program;

(2) explanation of why the change is necessary and appropriate, including a discussion of the following factors, as relevant; changes in coastal zone needs, problems, issues, or priorities. This discussion also shall identify which findings, if any made by the Assistant Administrator in approving the management program may need to be modified if the amendment is approved;

(3) A copy of public notice(s) announcing the public hearing(s) on the proposed amendments;

(4) A summary of the hearing(s) comments:

(i) Where OCRM is providing Federal agency review concurrent with the notice period for the State's public hearing, this summary of hearing(s) comments may be submitted to the Assistant Administrator within 60 days after the hearing;

(ii) Where hearing(s) summaries are submitted as a supplement to the amendment request (as in the case described in paragraph (b)(1) of this section), the Assistant Administrator will not take final action to approve or disapprove an amendment request until the hearing(s) summaries have been received and reviewed; and

(5) Documentation of opportunities provided relevant Federal, State, regional and local agencies, port authorities and other interested public and private parties to participate in the development and approval at the State level of the proposed amendment.

§ 923.82 Amendment review/approval procedures.

(a) Upon submission by a State of its amendment request, OCRM will review the request to determine preliminarily if the management program, if changed according to the amendment request, still will constitute an approvable program. In making this determination, OCRM will determine whether the state has satisfied the applicable program approvability criteria of subsection 306(d) of the Act.

(b) If the Assistant Administrator, as a preliminary matter, determines that the management program, if changed, would no longer constitute an approvable program, or if any of the procedural requirements of section 306(d) of the Act have not been met, the Assistant Administrator shall advise the state in writing of the reasons why the amendment request cannot be considered.

(c) If the Assistant Administrator, as a preliminary matter, determines that the management program, if changed, would still constitute an approvable program and that the procedural requirements of section 306(d) of the Act have been met, the Assistant Administrator will then determine, pursuant to the National Environmental Policy Act of 1969, as amended, whether an environmental impact statement (EIS) is required.

§ 923.89 Mediation of amendments.

(a) Section 307(h)(2) of the Act provides for mediation of "serious disagreements" between a Federal agency and a coastal State during administration of an approved management program. Accordingly mediation is available to states or federal agencies when a serious disagreement regarding a proposed amendment arises.

(b) Mediation may be requested by a Governor or head of a state agency designated pursuant to subsection 306(d)(6) or by the head of a relevant federal agency. Mediation is a voluntary process in which the Secretary of Commerce attempts to mediate between disagreeing parties over major problems. (See § 923.54).

§ 923.84 Routine program changes.

(a) Further detailing of a State's program that is the result of implementing provisions approved as part of a State's approved management program, that does not result in the type of action described in § 923.80(d), will be considered a routine program change. While a routine change is not subject to the amendment procedures contained in

§§ 923.81 through 923.82, it is subject to mediation provisions of § 923.83.

(b) (1) States must notify OCRM of routine program change actions in order that OCRM may review the action to ensure it does not constitute an amendment. The state notification shall identify any enforceable policies to be added to the management program, and explain why the program change will not result in the type of action described in § 923.80(d).

(i) States have the option of notifying OCRM of routine changes on a case-by-case basis, periodically throughout the year, or annually.

(ii) In determining when and how often to notify OCRM of such actions, States should be aware that Federal consistency will apply only after the notice required by paragraph (b)(4) of this section has been provided.

(2) Concurrent with notifying OCRM, States must provide notice to the general public and affected parties, including local governments, other State agencies and regional offices of relevant federal agencies of the notification given OCRM.

(i) This notice must:

(A) Describe the nature of the routine program change and identify any enforceable policies to be added to the management program if the State's request is approved;

(B) Indicate that the State considers it to be a routine program change and has requested OCRM's concurrence in that determination; and

(C) Indicate that any comments on whether or not the action does or does not constitute a routine program change may be submitted to OCRM within 3 weeks of the date of issuance of the notice.

(ii) Where relevant Federal agencies do not maintain regional offices, notice must be provided to the headquarters office.

(3) Within 4 weeks of receipt of notice from a State, OCRM will inform the State whether it concurs that the action constitutes a routine program change. Failure to notify a State in writing within 4 weeks of receipt of notice shall be considered concurrence.

(4) Where OCRM concurs, a State then must provide notice of this fact to the general public and affected parties, including local governments, other State agencies and relevant Federal agencies.

(i) This notice must:

(A) Indicate the date on which the State received concurrence from OCRM that the action constitutes a routine program change;

(B) Reference the earlier notice (required in paragraph (b)(2) of this

section) for a description of the content of the action; and

(C) Indicate if Federal consistency applies as of the date of the notice called for in this paragraph.

(ii) Federal consistency shall not be required until this notice has been provided.

(5) Where OCRM does not concur, a State will be advised to:

(1) submit the action as an amendment, subject to the provisions of §§ 923.81 through 923.82; or

(ii) resubmit the routine program change with additional information requested by OCRM concerning how the program will be changed as a result of the action.

Subpart I—Applications for Program Development or Implementation Grants**§ 923.90 General.**

(a) The primary purpose of development grants made pursuant to section 305 of the Act is to assist coastal States in the development of comprehensive coastal management programs that can be approved by the Assistant Administrator. The primary purpose of implementation grants made pursuant to section 306 of the Act is to assist coastal States in implementing coastal management programs following their approval, including especially administrative actions to implement enforceable program policies, authorities and other management techniques. The purpose of the guidelines in this subpart is to define the procedures by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with applicable Federal laws and policies, Department of Commerce grants management regulations, policies and procedures, and any other applicable directives from the NOAA Grants Management Division and OCRM program offices.

(b) Grants awarded to a State must be expended for the development or administration, as appropriate, of a management program that meets the requirements of the Act, and in accordance with the terms of the award.

(c) All applications for funding under section 305 or 306 of the Act, including proposed work programs, funding priorities and allocations are subject to the discretion of the Assistant Administrator.

(d) For purposes of this subpart, the term "development grant" means a grant awarded pursuant to subsection 305(a) of the Act. "Administrative grant" and "implementation grant" are

used interchangeably and mean grants awarded pursuant to subsection 306(a) of the Act.

(e) All application and preapplication forms are to be requested from and submitted to: National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, Coastal Programs Division, 1305 East-West Highway (N/ORM3), Silver Spring, MD 20910.

§ 923.91 State responsibility.

(a) Applications for program grants are required to be submitted by the Governor of a participating state or by the head of the state entity designated by the Governor pursuant to subsection 306(d)(6) of the Act.

(b) In the case of a section 305 grant, the application must designate a single state agency or entity to receive development grants and to be responsible for development of the State's coastal management program. The designee need not be that entity designated by the Governor pursuant to subsection 306(d)(6) of the Act as a single agency to receive and administer implementation grants.

(c) One State application will cover all program activities for which program development or implementation funds under this Act and matching State funds are provided, irrespective of whether these activities will be carried out by State agencies, areawide or regional agencies, local governments, or interstate entities.

(d) The designated state entity shall be fiscally responsible for all expenditures made under the grant, including expenditures by subgrantees and contractors.

§ 923.92 Allocation.

(a) Subsections 303(4), 306(d)(3)(B) and 306(d)(10) of the Act foster intergovernmental cooperation in that a state, in accordance with its coastal zone management program, may allocate some of its coastal zone management responsibilities to several agencies, including local governments, areawide agencies, regional agencies and interstate agencies. Such allocations provide for continuing consultation and more effective participation and cooperation among state and local governments, interstate, regional and areawide agencies.

(b) A State may allocate a portion or portions of its grant to other State agencies, local governments, areawide or regional agencies, interstate entities, or Indian tribes, if the work to result from such allocation(s) will contribute to the effective development or

implementation of the State's management program.

(1) Local governments. Should a State desire to allocate a portion of its grant to a local government, units of general-purpose local government are preferred over special-purpose units of local government. Where a State will be relying on direct State controls as provided for in subsection 306(d)(11)(B) of the Act, pass-throughs to local governments for local planning, regulatory or administrative efforts under a section 306 grant cannot be made, unless they are subject to adequate State overview and are part of the approved management program. Where the approved management program provides for other specified local activities or one-time projects, again subject to adequate State overview, then a portion of administrative grant funds may be allocated to local governments.

(2) Indian Tribes. Tribal participation in coastal management efforts may be supported and encouraged through a State's program. Individual tribes or groups of tribes may be considered regional agencies and may be allocated a portion of a State's grant for the development of independent tribal coastal management programs or the implementation of specific management projects provided that:

(i) The State certifies that such tribal programs or projects are compatible with its approved coastal management policies; and

(ii) On excluded tribal lands, the State demonstrates that the tribal program or project would or could directly affect the State's coastal zone.

§ 923.93 Eligible implementation costs.

(a) Costs claimed must be beneficial and necessary to the objectives of the grant project. As used herein the terms cost and grant project pertain to both the Federal and the matching share. Allowability of costs will be determined in accordance with the provisions of OMB Circular A-87: Cost Principles for State, Local and Indian Tribal Governments.

(b) Federal funds awarded pursuant to section 306 of the Act may not be used for land acquisition purposes and may not be used for construction purposes. These costs may be eligible, however, pursuant to section 306A of the Act.

(c) The primary purpose for which implementation funds, pursuant to section 306 of the Act, are to be used is to assure effective implementation and administration of the management program, including especially administrative actions to implement enforceable program policies,

authorities and other management techniques. Implementation activities should focus on achieving the policies of the Act.

(d) Section 306 funding in support of any of these purposes may be used to fund, among other things:

- (1) Personnel costs,
- (2) Supplies and overhead,
- (3) Equipment, and
- (4) Feasibility studies and preliminary engineering reports.

(e) States are encouraged to coordinate administrative funding requests with funding possibilities pursuant to sections 306A, 308, 309, 310 and 315 of the Act, as well as with funding possibilities pursuant to section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990. When in doubt as to the appropriate section of the Act under which to request funding, States should consult with OCRM. States should consult with OCRM on technical aspects of consolidating requests into a single application.

§ 923.94 Application for program development or implementation grants.

(a) OMB Standard Form 424 (4-92) and the NOAA Application Kit for Federal Assistance constitute the formal application. An original and two (2) copies must be submitted 45 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with E.O. 12372 requirements including the resolution of any problems raised by the proposed project. The administrative requirements for grants and subawards, under this program, to state, local and Indian tribal governments are set out in 15 CFR Part 24. The administrative requirements for other entities are prescribed under OMB Circular A-110: Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

(b) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein, the terms "cost" and "grant project" pertain to both the Federal amount awarded and the non-federal matching share. Allowability of costs will be determined in accordance with the provisions of OMB Circular A-87: Cost Principles for State, Local and Indian Tribal Governments. Eligible implementation costs also shall be determined in accordance with § 923.93 of these regulations. Allowability of costs for non-profit organizations will be determined in accordance with OMB Circular A-122: Cost Principles for Non-Profit Organizations. Allowability of

costs for institutions of higher education will be determined in accordance with OMB Circular A-21: Cost Principles for Educational Institutions.

(c) In the grant application, the applicant must describe clearly and briefly the activities that will be undertaken with grant funds in support of implementation and administration of the management program. This description must include:

(1) An identification of those elements of the approved management program that are to be supported in whole or in part by the Federal and the matching share,

(2) A clear statement of the major tasks required to implement each element,

(3) For each task the application must:

- (i) Specify how it will be accomplished and by whom;

- (ii) Identify any sub-awardees (other State agencies, local governments, individuals, etc.) that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the sub-awards for each allocation; and

- (iii) Indicate the estimated total cost.

(4) The sum of all task costs in paragraph (c)(3) of this section should equal the total estimated grant project cost.

(d) For program development grants, when evaluating whether a State is making satisfactory progress toward completion of an approvable management program which is necessary to establish eligibility for subsequent grants, the Assistant Administrator will consider:

(1) The progress made toward meeting management program goals and objectives;

(2) The progress demonstrated in completing the past year's work program;

(3) The cumulative progress toward meeting the requirements for preliminary or final approval of a coastal management program;

(4) The applicability of the proposed work program to fulfillment of the requirements for final approval; and

(5) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies in program development.

§ 923.95 Approval of applications.

(a) The application for a grant by any coastal State which complies with the policies and requirements of the Act and these guidelines shall be approved by the NOAA Grants Officer, upon recommendation by the Assistant Administrator, assuming available funding.

(b) Should an application be found deficient, the Assistant Administrator will notify the applicant in detail of any deficiency when an application fails to conform to the requirements of the Act or these regulations. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The NOAA Grants Officer, upon recommendation by the Assistant Administrator, may waive appropriate administrative requirements contained in this subpart, upon finding of extenuating circumstances relating to applications for assistance.

§ 923.96 Grant amendments.

(a) Actions that require an amendment to a grant award such as a request for additional Federal funds, changes in the amount of the non-Federal share, changes in the approved project budget as specified in 15 CFR Part 24, or extension of the grant period must be submitted to the Assistant Administrator and approved in writing by the NOAA Grants Officer prior to initiation of the contemplated change. Such requests should be submitted at least 30 days prior to the proposed effective date of the change and, if appropriate, accompanied by evidence of compliance with E.O. 12372 requirements.

(b) NOAA shall acknowledge receipt of the grantee's request within the ten (10) working days of receipt of the correspondence. This notification shall indicate NOAA's decision regarding the request; or indicate a time-frame within which a decision will be made.

PART 926—[REMOVED]

5. Part 926 which is currently reserved is removed.

PART 927—[REDESIGNATED AS PART 923, SUBPART J]

6. Part 927, consisting of § 927.1, is redesignated as Subpart J of Part 923, consisting of § 923.110.

PART 928—[REDESIGNATED AS PART 923, SUBPART L]

7. Part 928 is redesignated as Subpart L of Part 923, and §§ 928.1 through 928.5 are redesignated as §§ 923.131 through 923.135 in the Subpart.

§ 923.131 [Amended]

8. Redesignated § 923.131 is amended by replacing the two references to "This part" in the introductory text with references to "This subpart."

§ 923.133 [Amended]

9. Redesignated § 923.133 is amended by changing the references to 15 CFR 928.3 and 928.4 in paragraph (b)(9), the reference to § 928.3(d) in paragraph (c)(2), and the reference to § 928.3(c)(4) in paragraph (d)(2), as references to §§ 923.133 and 923.134, § 923.132(d) and § 923.133(c)(4), respectively.

§ 923.134 [Amended]

10. Redesignated § 923.134 is amended by changing the reference to 15 CFR 928.3(b)(7) in paragraph (b)(3) as a reference to § 923.133(b)(7).

§ 923.135 [Amended]

11. Redesignated § 923.135 is amended as follows:

(1) by changing the reference to 15 CFR 928.5(a)(3) in paragraph (a)(2)(i) as a reference to § 923.135(a)(3),

(2) by changing the reference to 15 CFR 928.4 in paragraph (a)(2)(ii) as a reference to § 923.134,

(3) by changing the reference to 15 CFR 923.81(c) in paragraph (a)(3)(i)(G) as a reference to 15 CFR 923.81(a), and

(4) by changing the four references to 15 CFR 928.5(a)(2) in paragraphs (b)(2)(i) and (iii) as references to § 923.135(a)(2).

PART 932—[REDESIGNATED AS PART 923, SUBPART K]

12. Part 932 is redesignated as Subpart K of Part 923, and §§ 932.1 through 932.8 are redesignated as §§ 923.121 through 923.128 in the Subpart.

13. Redesignated § 923.121 is amended by revising paragraph (h) to read as follows:

§ 923.121 General

* * * * *

(h) All application forms are to be requested from and submitted to: National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resources Management, Coastal Programs Division, 1305 East-West Highway (N/ORM3), Silver Spring, MD 20910.

14. Redesignated § 923.121 is further amended as follows:

(1) by changing the references to "this part" in paragraphs (a) and (b) with references to "this subpart", and

(2) by changing the reference to 15 CFR 932.8 in paragraph (b)(1) as a reference to § 923.128.

§ 923.123 [Amended]

15. Redesignated § 923.123 is amended as follows:

(1) in paragraph (a), by replacing "routine program implementation" with "routine program change",

(2) in the footnote in paragraph (b), the address is revised to read: "Office of Ocean and Coastal Resource Management, Coastal Programs Division, 1305 East-West Highway (N/ORM3), Silver Spring, MD 20910", and

(3) by changing the reference to 15 CFR 932.5(a) in paragraph (d) and the reference to 15 CFR 932.5(b) in paragraph (e), as references to §§ 923.125(a) and 923.125(b), respectively.

§ 923.124 [Amended]

16. Redesignated § 923.124 is amended as follows:

(1) by changing the reference to 15 CFR 932.1(b) and 15 CFR 927.1(c) in paragraph (d)(1)(i) as references to § 923.121(b) and 923.110(c), respectively,

(2) by changing the reference to 15 CFR 932.4(d) in paragraph (d)(1)(iii) as a reference to § 923.124(d),

(3) by changing the reference to 15 CFR 932.8 in paragraph (d)(3) as a reference to § 923.128,

(4) by changing the references to 15 CFR 932.4(d), 15 CFR 932.3(d) and 15 CFR 932.5(b) in paragraph (e) as references to §§ 923.124(d), 923.123(d), and 923.125(b), respectively, and

(5) by changing the references to 15 CFR 932.4(b), 15 CFR 932.4(c), 15 CFR 932.4(d) and 15 CFR 932.4(e) in paragraph (f) as references to §§ 923.124(b), 923.124(c), 923.124(d) and 923.124(e), respectively.

§ 923.125 [Amended]

17. Redesignated § 923.125 is amended as follows:

(1) by changing the reference to 15 CFR 932.6(b)(1) in paragraph (a)(1)(v) as a reference to § 923.126(b)(1),

(2) by changing the reference to 15 CFR 932.3(e) in paragraph (b)(2)(ii) as a reference to § 923.123(e),

(3) by changing the reference to 15 CFR 932.3(f) in paragraph (b)(2)(iii) as a reference to § 923.123(f), and

(4) by changing the references to § 932.5(a) and 15 CFR 932.5(b) in paragraph (c) as references to §§ 923.125(a) and 923.125(b), respectively.

18. Redesignated § 923.125 is further amended by removing footnote two in paragraph (a)(1)(ii).

§ 923.126 [Amended]

19. Redesignated § 923.126 is amended as follows:

(1) by changing the references to 15 CFR 932.6(b) and 15 CFR 932.1(b) in paragraph (a) as references to § 923.126(b) and 923.121(b), respectively,

(2) by changing the reference to 15 CFR 923.95(d)(3)(ii) in paragraph (b)(1)(iii) as a reference to § 923.94(d)(3)(ii),

(3) by changing the references to 15 CFR 932.5(a) and 15 CFR 932.5(b) in paragraph (b)(4) as references to § 923.125(a) and 923.125(b), respectively,

(4) by changing the reference to 15 CFR 932.3(a) in paragraph (b)(7) as a reference to § 923.123(a),

(5) by changing the references to 15 CFR 932.5(a) and 15 CFR 932.4(d) in paragraph (b)(8) as references to §§ 923.125(a) and 923.124(d), respectively,

(6) by changing the references to 15 CFR 932.5(a) and 15 CFR 932.5(b) in paragraph (c)(3) as references to § 923.125(a) and 923.125(b), respectively,

(7) by changing the references to 15 CFR 932.5(a) and 15 CFR 932.4(d) in paragraph (c)(4) as references to §§ 923.125(a) and 923.124(d), respectively, and

(8) by changing the reference to subpart J of 15 CFR part 923 in paragraph (c)(5) as a reference to subpart I of 15 CFR part 923.

§ 923.127 [Amended]

20. Redesignated § 923.127 is amended as follows:

(1) by changing the reference to subpart J of 15 CFR part 923 in paragraph (a) as a reference to subpart I of 15 CFR part 923,

(2) by changing the reference to 15 CFR 932.6(b)(1) in paragraph (b) as a reference to § 923.126(b)(1),

(3) by changing the reference to subpart J of 15 CFR part 923 in paragraph (c) as a reference to subpart I of 15 CFR part 923, and

(4) by changing the reference to 15 CFR 932.6(c)(2) in paragraph (e) as a reference to § 923.126(c)(2).

**PART 933—COASTAL ZONE
MANAGEMENT RESEARCH AND
TECHNICAL ASSISTANCE [Removed]**

21. Part 933 is removed.

* * * * *

[FR Doc. 96-16402 Filed 6-27-96; 8:45 am]

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Executive Order

Friday
June 28, 1996

Part III

The President

Proclamation 6906—Victims of the
Bombing in Saudi Arabia

Federal Register

Vol. 61, No. 126

Friday, June 28, 1996

Presidential Documents

Title 3—

Proclamation 6906

The President

Victims of the Bombing in Saudi Arabia

By the President of the United States of America

A Proclamation

As a mark of respect for those killed in the June 25, 1996, bombing of the Military Housing Complex near Dhahran, Saudi Arabia, I hereby order, by the authority vested in me as President of the United States of America by section 175 of title 36 of the United States Code, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Sunday, June 30, 1996. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of June, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



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FEDERAL REGISTER PAGES AND DATES, JUNE

27767-27994..... 3
27995-28466..... 4
28467-28722..... 5
28723-29000..... 6
29001-29266..... 7
29267-29458.....10
29459-29632.....11
29633-29922.....12
29923-30126.....13
30127-30494.....14
30495-30796.....17
30797-31002.....18
31003-31386.....19
31387-31816.....20
31817-32316.....21
32317-32628.....24
32629-32910.....25
32911-33302.....26
33303-33640.....27
33641-33824.....28

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6902.....28465
6903.....29633
6904.....30797
6905.....32911
6906.....33823

Executive Orders:

October 22, 1854
(Revoked in part by
PLO 7022).....29758
February 1, 1886 (See
PLO 7148).....29129
April 13, 1912
(Revoked by PLO
7200).....29758
December 31, 1912
(Revoked in part by
PLO 7199).....29128
12880.....28721
12963 (Amended by
EO 13009).....30799
13008.....28721
13009.....30799

Administrative Orders:

Presidential Determinations:
96-27 of May 28,
1996.....29001
96-28 of May 29,
1996.....29453
96-29 of May 31,
1996.....29455
96-30 of June 3,
1996.....29457
96-31 of June 6,
1996.....30127
96-32 of June 14,
1996.....32629
96-33 of June 21,
1996.....32631
Memorandums:
96-26 of May 22,
1996.....27767

5 CFR

251.....32913
532.....27995, 27996
2634.....32633

Proposed Rules:

2429.....28797
2470.....28797
2471.....28798
2472.....28798
2473.....28798

7 CFR

6.....28723
10.....30495
29.....27997, 29923, 29924
272.....33641
277.....33641
301.....31003, 32636, 32900

610.....27998
782.....32641
911.....31004
915.....31004
916.....31006, 31387
917.....31006, 31387
922.....30495
928.....28000
929.....30497
946.....31006
948.....29635
981.....32917
982.....29924
985.....2945, 32922
997.....29926
998.....29927
999.....31306
1205.....31817
1208.....30498
1230.....28002
1240.....29461, 33175
1280.....33644
1439.....32643
1464.....33303
1475.....32643
1485.....32644
1703.....33622
2018.....32655

Proposed Rules:

457.....27512, 31464
911.....33047
927.....33047
928.....33388
944.....33047

8 CFR

3.....32924
103.....28003
204.....33304
242.....32924
299.....28003

Proposed Rules:

214.....30188
273.....29323

9 CFR

92.....31391
94.....32646
112.....33175
113.....31822

Proposed Rules:

1.....30545
3.....30545
92.....27797, 28073
95.....30189
101.....29462
112.....29462
113.....31822

10 CFR

30.....29636
40.....29636
50.....30129

51.....28467	119.....30432	178.....28500	171.....29701, 29711
70.....29636	121.....28416, 30432, 30726,	Proposed Rules:	172.....29701, 29711
71.....28723	30734	19.....28808	173.....29701, 29711
72.....29636	125.....28416	101.....30552	174.....29701
436.....32647	135.....28416, 30432, 30734	113.....28808	175.....29701, 29711
1703.....28725	302.....29282	122.....30552	176.....29711
Proposed Rules	373.....29284	132.....28522	177.....29701, 29711
20.....31874	399.....29018, 29645, 29646	144.....28808	178.....29701, 29711
34.....30837	Proposed Rules:	151.....28522	182.....29711
35.....33388	Ch. I.....28803	351.....28821	184.....29701, 29711
150.....30839	39.....28112, 28114, 28518,	353.....28821	200.....29502
170.....30839	28520, 29038, 29499, 29501,	355.....28821	250.....29502
430.....28517	29697, 29992, 29994, 29996,	20 CFR	310.....29502
11 CFR	30548, 31059, 31061, 32369,	209.....31395	343.....30002
100.....31824	33049, 33050	404.....28046, 31022	500.....31468
110.....31824	71.....28803, 29449, 29699,	416.....31022	730.....29708
114.....31824	29700, 30550, 30842, 30843,	21 CFR	801.....32618
12 CFR	31063, 31064, 31065, 31066,	14.....28047, 28048	864.....30197
219.....29638, 32317	31067, 31068, 31069, 32371,	20.....33232	1250.....29701
336.....28725	32372, 32374, 33390	70.....28525	22 CFR
615.....31392	121.....29000, 30551	73.....28525	4.....32327
747.....28021	135.....30551	74.....28525	50.....29651
Proposed Rules:	241.....32375	80.....28525	51.....29940
204.....30545	250.....27818	81.....28525	81.....29940
229.....27802	15 CFR	82.....28525	82.....29940
335.....33693	Ch. XII.....30509	100.....27771	83.....29940
543.....32713	902.....31228, 32538	101.....27771, 28525	84.....29940
544.....32713	923.....33802	103.....27771	85.....29940
545.....29976, 30190, 32713	926.....33802	104.....27771	86.....29940
552.....32713	927.....33802	105.....27771	87.....29940
556.....30190, 32713	928.....33802	109.....27771	88.....29940
559.....29976	932.....33802	137.....27771	89.....29941
560.....29976, 30190	933.....33802	161.....27771	126.....33313
563.....29976, 30190, 32713	Proposed Rules:	163.....27771	514.....29285
567.....29976	902.....29628	172.....27771, 33654	Proposed Rules:
571.....29976, 30190	946.....28804	175.....29474	603.....30009
575.....32713	16 CFR	177.....28049, 29474	23 CFR
703.....29697	Ch. I.....32323	178.....28051, 28525, 31395	1206.....28745
704.....28085	305.....29939, 33651	182.....27771	1215.....28747
709.....28085	409.....33308	186.....27771	1230.....28750
741.....28085	1010.....29646	189.....29650	Proposed Rules:
1270.....29592	1019.....29646	197.....27771	655.....29234, 29624
14 CFR	1500.....33175	200.....29476	777.....30553
1.....31324	Proposed Rules:	201.....28525	24 CFR
25.....28684	419.....29039	250.....29476	92.....32220
27.....29928, 29931	17 CFR	310.....29476	290.....32192
29.....29931	210.....30397	520.....29477, 29650, 31027,	570.....32196
33.....28430, 31324	228.....30376, 30397	31397	954.....32220
39.....28028, 28029, 28031,	229.....30376, 30397	522.....29478, 29479, 29480,	3500.....59238, 29255, 29258,
28497, 28498, 28730, 28732,	230.....30397	31027, 31028	29264
28734, 28736, 28738, 29003,	232.....30397	556.....29477, 31028, 31398	
29007, 29009, 29267, 29269,	239.....30397	558.....29477, 29481, 30133,	
29271, 29274, 29276, 29278,	240.....30376, 30396, 30397	32651	
29279, 29465, 29467, 29468,	249.....30376, 30397	700.....27771	
29641, 29642, 29931, 29932,	Proposed Rules:	701.....28525	
29934, 30501, 30505, 30801,	1.....28806	814.....33232	
31007, 31009, 31824, 31825,	230.....30405	1309.....32925	
32317, 32318, 33305, 33646,	239.....30405	1310.....32925	
33647, 33650	240.....30405	Proposed Rules:	
71.....28033, 28034, 28035,	249.....30405	1.....28116	
28036, 28037, 28038, 28039,	274.....30405	2.....28116	
28040, 28041, 28042, 28043,	18 CFR	3.....28116	
28044, 28045, 28740, 28741,	35.....30509, 31394	5.....28116	
28742, 28743, 29472, 29645,	37.....30804	10.....28116	
29336, 29937, 29938, 30507,	385.....30509, 31394	12.....28116	
30670, 30803, 31013, 31014,	19 CFR	20.....28116	
31015, 31016, 31017, 31018,	10.....28932	56.....28116	
31019, 31020, 32322, 32651	12.....28500, 28932	58.....28116	
73.....30508, 31021, 31022	102.....28932, 32924	70.....29701	
91.....28416	134.....28932, 32924	71.....29701	
95.....27769		80.....29701	
97.....29015, 29016, 31827,		101.....28525, 29701, 29708	
31828, 31830		107.....29701	
		170.....29701, 29711	

271.....27833
272.....27833
274.....27833
277.....27833
278.....27833
290.....29044

26 CFR

1.....30133, 32653, 32926,
33321, 33335, 33656
26.....29653
40.....28053
48.....28053
301.....33365, 33657
602.....30133, 33313, 33321,
33335, 33365

Proposed Rules:

1.....27833, 27834, 28118,
28821, 28823, 30845, 31473,
31474, 32728, 33391, 33393,
33395, 33396, 33405
26.....29714
31.....28823
35a.....28823
301.....28823, 29653, 30012,
33408
502.....28823
503.....28823
509.....28823
513.....28823
514.....28823
516.....28823
517.....28823
520.....28823
521.....28823
602.....29653

27 CFR

9.....29949, 29952
17.....31399
19.....31399
24.....31029
70.....29954, 31029, 31399
71.....29954
170.....31029, 31399
194.....31399
200.....29956
250.....31399

Proposed Rules:

0.....30013
5.....30015
18.....30017
20.....30019
22.....30019
70.....30013
250.....30021

28 CFR

0.....33657
2.....33657
32.....33657
42.....33657
46.....33657

Proposed Rules:

74.....29715, 29716
513.....32186

29 CFR

56.....33658
1602.....33659
1910.....31477
1915.....29957, 31427
1926.....31427
1952.....28053
2619.....30160
2676.....30160

Proposed Rules:

102.....30570
1904.....27850
1915.....28824
1952.....27850
2509.....29586

30 CFR

75.....29287
906.....32328
913.....33799
925.....31610
943.....30805

Proposed Rules:

218.....28829
250.....28525
256.....28528
935.....29504, 32382
946.....29506, 31071

31 CFR

Ch. V.....32936

Proposed Rules:

202.....31879
356.....31072

32 CFR**Proposed Rules:**

619.....33409

33 CFR

Ch. IV.....32655
1.....33660
2.....33660
3.....29958
5.....33660
8.....33660
19.....33660
20.....33660
26.....33660
45.....33660
51.....33660
62.....27780, 29449
67.....33660
81.....33660
89.....33660
100.....27782, 28501, 28502,
28503, 29019, 32328, 32331,
32333, 33027, 33371, 33670
110.....33660
114.....33660
116.....33660
117.....29654, 29959, 31434,
33660
127.....33660
140.....33660
141.....33660
144.....33660
148.....33660
151.....33660
153.....33660
154.....33660
155.....33660
156.....33660
157.....33660
158.....33660
159.....33660
160.....33660
164.....33660
165.....28055, 29020, 29021,
29022, 29655, 29656, 33660,
33671
174.....33660
179.....33660
181.....33660
183.....33660

187.....33660

Proposed Rules:

117.....31881

34 CFR

535.....31350
562.....31350
600.....29898
639.....32656
651.....32656
652.....32656
667.....32656
668.....29898, 29960, 31035
685.....29898, 31358

Proposed Rules:

701.....27990

36 CFR

6.....28504
7.....28505, 28751
17.....28506
1228.....32335
1232.....32335

Proposed Rules:

3.....32383
7.....28530

37 CFR

201.....30845

Proposed Rules:

202.....28829, 33052

38 CFR

1.....29023, 29024, 29481,
29657
2.....27783
6.....29024
7.....29025
8.....29289
8a.....29027
14.....27783
17.....29293
20.....29027
21.....28753, 28755, 29028,
29294, 29297, 29449
36.....28057

Proposed Rules:

38.....31479

39 CFR

233.....28059
3001.....32656

Proposed Rules:

111.....32606

40 CFR

8.....33673
9.....33202
15.....28755
32.....28755
51.....30162, 32339
52.....28061, 29483, 29659,
29662 29961, 29963, 29965,
29970, 31035, 31831, 32339,
32341, 33372, 33674, 33676,
33678
55.....28757
60.....29485, 29876
62.....29666
63.....27785, 29485, 29876,
30814, 30816, 31435, 33799
68.....31668, 31730
70.....31442, 32693
73.....28761
80.....28763, 33034

81.....29667, 29970, 31831,
33678
82.....29485
148.....33680
152.....30163, 33039
170.....33202
180.....29672 29674, 29676,
30163, 30165, 30167, 30170,
30171, 31037, 33041
185.....33041, 33469
186.....30171, 33799
264.....28508
265.....28508
268.....33680
270.....28508
271.....28508, 32345, 32700
279.....33691
300.....27788, 28511, 29678,
30510
716.....32702
721.....33373, 33374
799.....29486, 33044, 33375

Proposed Rules:

Ch. I.....31883
35.....30472
50.....29719
52.....28531, 28541, 29508,
29515, 29725, 30023, 30024,
31073, 31885, 32385, 32386,
33414, 33702, 33703
59.....32729
60.....31736, 33415
61.....33053
62.....29725
63.....30846
70.....30570, 32391
73.....28830, 28996
80.....33051, 33703
81.....28541, 29508, 29515,
29726, 32386
86.....33421
152.....33260
156.....33260
180.....28118, 28120, 30200,
30202, 30204, 31073, 31075,
31077, 31079, 31081, 33054,
33058
185.....31081, 33469
186.....30204, 33469
261.....32746, 32753
270.....30472
271.....30472
300.....30207, 30575, 32765
372.....33588
799.....33178

Proposed Rules:

59.....32729
60.....31736, 33415
61.....33053
62.....29725
63.....30846
70.....30570, 32391
73.....28830, 28996
80.....33051, 33703
81.....28541, 29508, 29515,
29726, 32386
86.....33421
152.....33260
156.....33260
180.....28118, 28120, 30200,
30202, 30204, 31073, 31075,
31077, 31079, 31081, 33054,
33058
185.....31081, 33469
186.....30204, 33469
261.....32746, 32753
270.....30472
271.....30472
300.....30207, 30575, 32765
372.....33588
799.....33178

86.....33421
152.....33260
156.....33260
180.....28118, 28120, 30200,
30202, 30204, 31073, 31075,
31077, 31079, 31081, 33054,
33058
185.....31081, 33469
186.....30204, 33469
261.....32746, 32753
270.....30472
271.....30472
300.....30207, 30575, 32765
372.....33588
799.....33178

185.....31081, 33469
186.....30204, 33469
261.....32746, 32753
270.....30472
271.....30472
300.....30207, 30575, 32765
372.....33588
799.....33178

41 CFR

50-203.....32910

Proposed Rules:

101-20.....30028

42 CFR

405.....32347
417.....32347
431.....32347
473.....32347
498.....32347

Proposed Rules:

72.....29327
412.....29449
413.....29449
489.....29449

43 CFR

2120.....29030
2920.....32351

4100.....	29030
4600.....	29030
Proposed Rules:	
6000.....	28546
6100.....	28546
6200.....	28546
6300.....	28546
6400.....	28546
6500.....	28546
6600.....	28546
7100.....	28546
7200.....	28546
7300-9000.....	28546
8000.....	29678
8300.....	29679

44 CFR

64.....	28067, 32704
65.....	29488, 29489
67.....	29490

Proposed Rules:

67.....	29518
---------	-------

46 CFR

Ch. III.....	32655
108.....	28260, 33044
110.....	28260, 33044
111.....	28260, 33044
112.....	28260, 33044
113.....	28260, 33044
161.....	28260, 33044
252.....	32705
272.....	32706

Proposed Rules:

10.....	31332
15.....	31332
540.....	33059

47 CFR

Ch. I.....	30531
0.....	29311, 31044
2.....	31044
15.....	29679, 30532, 31044
22.....	29679, 31051
24.....	29679
73.....	28766, 29311, 29491, 29492, 31449, 32706, 33377
74.....	28766
76.....	28698, 29312, 32706, 32707
90.....	31051, 32709
95.....	28768, 32710
101.....	29679, 31051

Proposed Rules:

Ch. I.....	30579, 32766, 33066
0.....	28122
25.....	32399
36.....	30028, 30847
64.....	30581, 31481, 33074
69.....	30028, 30847
73.....	30584, 30585, 31083, 31084, 31085, 31489, 31490, 33474
76.....	29333, 29336
80.....	28122

48 CFR

Ch. I.....	31612
4.....	31616, 31617
6.....	31618
14.....	31618, 31619
15.....	31618, 31619, 31620
16.....	31621
17.....	31618
19.....	31622, 31642, 31643
22.....	31643
23.....	31645
25.....	31618, 31646, 31649, 31650
27.....	31617, 31646
28.....	31651
31.....	31655, 31656, 31657
32.....	31658
33.....	31658
34.....	31659
37.....	31660
42.....	31621, 31658, 31660
46.....	31661, 31662
52.....	31616, 31617, 31618, 31619, 31621, 31642, 31643, 31645, 31646, 31650, 31651, 31658, 31659, 31660, 31663, 31664, 31665
911.....	30823
917.....	32584
952.....	30823
970.....	30823, 32584
1452.....	31053
1453.....	31053
1552.....	33693

Proposed Rules:

5.....	32580
9.....	31814
12.....	32240
13.....	31814, 32580
14.....	32580
15.....	32580
16.....	31798
19.....	32580
23.....	31814
25.....	32580
26.....	31792
31.....	31790, 31796, 31800
33.....	32580
36.....	32580
45.....	27851
52.....	27851, 31792, 31798, 31814
216.....	31490
222.....	31490
225.....	31490
227.....	31490
228.....	31490
229.....	31490
232.....	31490
233.....	31490
236.....	31490
246.....	31490
252.....	31490
917.....	32588
950.....	32588
952.....	32588

970.....	32588
1501.....	29314
1509.....	29314
1510.....	29314
1515.....	29314
1528.....	29493
1532.....	29314
1552.....	29314, 29493
1553.....	29314
1602.....	32401
1604.....	32401
1615.....	32401
1616.....	32401
1622.....	32401
1631.....	32401
1644.....	32401
1652.....	32401
1653.....	32401
6101.....	32410

49 CFR

Ch. I.....	30444
27.....	32354
28.....	32354
35.....	32900
56.....	32900
92.....	32900
106.....	30175
107.....	27948
130.....	30533
171.....	28666, 33216, 33250
172.....	28666
173.....	28666, 33216, 33250
174.....	28666
178.....	28666
179.....	28666, 33216, 33250
180.....	33250
190.....	27789
191.....	27789
192.....	27789, 28770, 30824
193.....	27789
225.....	30940
541.....	29031
565.....	29031
567.....	29031
571.....	28423, 29031, 29493, 30824
574.....	29493
1002.....	32355
1039.....	29036
1150.....	29973, 32355
1312.....	30181

Proposed Rules:

6.....	28831
7.....	33075
10.....	29522
171.....	33250
172.....	33250
173.....	33250
178.....	33250
192.....	33475
214.....	31085
223.....	30672
229.....	30672
232.....	30672
234.....	31802

238.....	30672
391.....	28547
571.....	28123, 28124, 28550, 28560, 29337, 30209, 30586, 30848, 31086
581.....	30848
594.....	32411

50 CFR

Ch. VI.....	30543
13.....	31850
14.....	31850
17.....	31054, 32356, 33377
32.....	31459, 31461
36.....	29495
216.....	27793
217.....	33377
227.....	33377
230.....	29628
247.....	27793
285.....	30182, 30183
301.....	29695, 29975
600.....	32538
601.....	32538
602.....	32538
603.....	32538
605.....	32538
611.....	32538
619.....	32538
620.....	27795, 32538, 33694
621.....	32538
625.....	32711, 33382
656.....	29321
661.....	31873
663.....	28786, 28796
671.....	31228
672.....	28069, 28070, 31228
673.....	31228
675.....	27796, 28071, 28072, 29696, 30544, 31228, 31463
676.....	31228
677.....	31228
679.....	31228, 33045, 33382, 33386
697.....	29321

Proposed Rules:

17.....	28834, 29047, 30209, 30588, 32416, 33080
20.....	30114, 30490
32.....	31888, 31891, 31893, 31895, 31897, 31899, 31901, 31904, 31906, 31908, 32415
216.....	30212
217.....	30588
227.....	30588
285.....	30214
625.....	27851
641.....	29339, 32422
650.....	27862
651.....	27862, 27948, 30029
652.....	31499
669.....	30589
675.....	29726
676.....	29729, 32767

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY**DEFENSE DEPARTMENT**

Federal Acquisition Regulation (FAR):

Claims assignment;
published 4-29-96

Cost Accounting Standards;
interest rate clause
revisions; published 4-29-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Wisconsin; published 4-29-96

Equal employment opportunity requirements; contractor compliance; CFR part removed; published 6-28-96

Hazardous waste:

Identification and listing--
Recycled used oil;
published 6-28-96

Land disposal restrictions--
Decharacterized
wastewaters, carbamate
wastes, and spent
potliners (Phase III);
technical correction;
published 6-28-96

FEDERAL TRADE COMMISSION

Appliances, consumer; energy costs and consumption information in labeling and advertising:

"EnergyGuide Label";
Canadian and Mexican
labels placement in
adjoining locale; published
6-28-96

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Claims assignment;
published 4-29-96

Cost Accounting Standards;
interest rate clause
revisions; published 4-29-96

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Food additives:

Aspartame; published 6-28-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Mortgage and loan insurance programs:

Condominium units in non-FHA approved projects;
published 5-29-96

LABOR DEPARTMENT

Work incentive programs for AFDC recipients under Social Security Act Title IV; CFR part removed; Federal regulatory reform; published 6-28-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Claims assignment;
published 4-29-96

Cost Accounting Standards;
interest rate clause
revisions; published 4-29-96

TRANSPORTATION DEPARTMENT**Coast Guard**

Organization, functions, and authority delegations:
Coast Guard areas, districts, and marine inspection and captain of port zones;
reorganization; published 6-13-96

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:
de Havilland; published 5-24-96
Airbus; published 5-24-96
Learjet; published 5-24-96

TRANSPORTATION DEPARTMENT**Surface Transportation Board**

Contracts and exemptions:
Boxcar traffic; published 5-29-96

TREASURY DEPARTMENT**Fiscal Service**

Financial management services:
Surety companies; Federal process agents
appointment reporting;
elimination; published 5-29-96

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Onions grown in--

Idaho and Oregon;
comments due by 7-1-96;
published 5-31-96

Papayas grown in Hawaii;
comments due by 7-5-96;
published 6-4-96

Potatoes (Irish) grown in--
Oregon and California;
comments due by 7-1-96;
published 5-31-96

Southeastern States;
comments due by 7-1-96;
published 5-31-96

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Exportation and importation of animals and animal products:

Ratites and hatching eggs of ratites from Canada;
comments due by 7-3-96;
published 6-3-96

AGRICULTURE DEPARTMENT**Food Safety and Inspection Service**

Meat and poultry inspection:

Cooked beef products,
uncured meat patties, and
poultry products
production; performance
standards; comments due
by 7-1-96; published 5-2-96

Establishment drawings and specifications, equipment, and partial quality control programs; prior approval requirements elimination; comments due by 7-1-96;
published 5-2-96

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

Gulf of Alaska and Bering Sea and Aleutian Islands groundfish; comments due by 7-1-96; published 5-16-96

Gulf of Mexico reef fish;
comments due by 7-1-96;
published 6-10-96

Northeast multispecies;
comments due by 7-1-96;
published 6-13-96

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Voting by interested members of self-regulatory organization governing boards and committees; broker association membership disclosure; comments due by 7-2-96;
published 5-3-96

DEFENSE DEPARTMENT

Acquisition regulations:

Defense articles; pricing for sales; comments due by 7-1-96; published 4-30-96

ENERGY DEPARTMENT

Acquisition regulations:

Federal regulatory review; comments due by 7-2-96;
published 5-3-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Idaho; comments due by 7-1-96; published 5-30-96

Oregon; comments due by 7-5-96; published 6-5-96

Wisconsin; comments due by 7-5-96; published 6-5-96

Hazardous waste:

Identification and listing--
Exclusions; comments due by 7-5-96; published 5-20-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

1,1-Difluoroethane;
comments due by 7-5-96;
published 6-4-96

3-Dichloroacetyl-5-(2-furanyl)-2,2-dimethylloxazolidine;
comments due by 7-5-96;
published 6-19-96

A-alkyl(C12-C15)-w-hydroxy poly(oxyethylene) sulfate, etc.; comments due by 7-5-96; published 6-4-96

Capsaicin and ammonium salts of fatty acids; comments due by 7-1-96;
published 5-1-96

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Telecommunications Act of 1996; implementation--

Pay telephone reclassification and compensation; comments due by 7-1-96; published 6-26-96

Radio and television broadcasting:

Equal employment opportunity (EEO) requirements; streamlining; comments due by 7-1-96;
published 5-20-96

Radio stations; table of assignments:

Kentucky; comments due by 7-1-96; published 5-14-96

Telecommunications Act of 1996; implementation:

Common carrier services--

- Local competition provisions; comments due by 7-1-96; published 6-25-96
- FEDERAL EMERGENCY MANAGEMENT AGENCY**
- Flood insurance program:
Allocated loss adjustment expense fee schedule; comments due by 7-1-96; published 5-15-96
- FEDERAL LABOR RELATIONS AUTHORITY**
- Federal Service Impasses Panel:
Miscellaneous amendments; comments due by 7-5-96; published 6-6-96
- Miscellaneous and general requirements:
Documents filing and/or service by facsimile transmissions; comments due by 7-5-96; published 6-6-96
- FEDERAL TRADE COMMISSION**
- Private vocational school guides; comments due by 7-1-96; published 5-3-96
- GENERAL ACCOUNTING OFFICE**
- Bid protest process; timeliness requirement; comments due by 7-1-96; published 5-1-96
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Food and Drug Administration**
- Food additives:
Adjuvants, production aids, and sanitizers--
Hydrogen peroxide, etc. (aqueous solution); comments due by 7-5-96; published 6-4-96
- Food for human consumption:
Food labeling--
Uniform compliance date; comments due by 7-1-96; published 4-15-96
- Mammography quality standards:
Alternative performance and outcome-based standards; comments due by 7-2-96; published 4-3-96
- Mammography equipment; quality standards and assurance; comments due by 7-2-96; published 4-3-96
- Mammography facilities; accreditation requirements; comments due by 7-2-96; published 4-3-96
- Mammography facilities; quality standards and certification requirements--
General facility requirements; comments due by 7-2-96; published 4-3-96
- Personnel requirements; comments due by 7-2-96; published 4-3-96
- National Environmental Policy Act; implementation; Federal regulatory review; comments due by 7-2-96; published 4-3-96
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- Health Care Financing Administration**
- Medicare and medicaid:
Organ procurement organizations; conditions of coverage; comments due by 7-1-96; published 5-2-96
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Community facilities:
Opportunities for youth; Youthbuild program; administrative costs; comments due by 7-1-96; published 5-17-96
- Low income housing:
Housing assistance payments (Section 8)--
Fair market rent schedules (1997 FY); comments due by 7-1-96; published 5-8-96
- Mortgage and loan insurance programs:
Title 1 property improvement and manufactured home loan insurance programs; comments due by 7-1-96; published 5-2-96
- Public and Indian Housing:
Public housing management assessment program; comments due by 7-5-96; published 5-6-96
- INTERIOR DEPARTMENT**
- Indian Affairs Bureau**
- Fish and wildlife:
Indian fishing; Hoopa Valley Indian Reservation; CFR part removed; comments due by 7-1-96; published 5-2-96
- INTERIOR DEPARTMENT**
- Land Management Bureau**
- Preservation and conservation; and health, safety, and enforcement; Federal regulatory review; comments due by 7-5-96; published 6-5-96
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service**
- Endangered and threatened species:
Mexican gray wolf; nonessential experimental population establishment in Arizona and New Mexico; comments due by 7-1-96; published 5-1-96
- Migratory bird hunting:
Annual hunting regulations; and special youth waterfowl hunting day consideration; comments due by 7-5-96; published 6-14-96
- JUSTICE DEPARTMENT**
- Drug Enforcement Administration**
- Federal regulatory review; comments due by 7-3-96; published 3-5-96
- LABOR DEPARTMENT**
- Federal Contract Compliance Programs Office**
- Affirmative action obligations of contractors and subcontractors for disabled veterans and Vietnam era veterans:
Invitation to self-identify; comments due by 7-1-96; published 5-1-96
- LABOR DEPARTMENT**
- Occupational Safety and Health Administration**
- Occupational injury and illness; recording and reporting requirements; comments due by 7-1-96; published 6-3-96
- LABOR DEPARTMENT**
- Wage and Hour Division**
- McNamara-O'Hara Service Contract Act:
Federal service contracts; labor standards; minimum health and welfare benefits requirements; comments due by 7-1-96; published 5-2-96
- LIBRARY OF CONGRESS**
- Copyright Office, Library of Congress**
- Cable compulsory license:
Open video systems of telephone companies; eligibility; comments due by 7-5-96; published 5-6-96
- Open video systems of telephone companies; eligibility and comment period extended; comments due by 7-5-96; published 5-31-96
- INTERIOR DEPARTMENT**
- National Indian Gaming Commission**
- Indian Gaming Regulatory Act:
Class III (casino) gaming on Indian lands; authorization procedures when States raise Eleventh amendment defense; comments due by 7-1-96; published 5-10-96
- NUCLEAR REGULATORY COMMISSION**
- Environmental protection; domestic licensing and related regulatory functions:
Nuclear power plant operating licenses; environmental review for renewal; comments due by 7-5-96; published 6-5-96
- SECURITIES AND EXCHANGE COMMISSION**
- Electronic media; use in delivery purposes; comments due by 7-1-96; published 5-15-96
- TRANSPORTATION DEPARTMENT**
- Coast Guard**
- Drawbridge operations:
Louisiana; comments due by 7-1-96; published 5-1-96
- Merchant marine officers and seamen:
Radar-observer endorsement for uninspected towing vessel operators; comments due by 7-2-96; published 5-3-96
- TRANSPORTATION DEPARTMENT**
- Federal Aviation Administration**
- Airworthiness directives:
de Havilland; comments due by 7-1-96; published 5-21-96
- Beech; comments due by 7-1-96; published 5-21-96
- I.A.M. Rinaldo Piaggio S.p.A.; comments due by 7-5-96; published 4-29-96
- Pratt & Whitney; comments due by 7-5-96; published 5-6-96
- Pratt and Whitney; comments due by 7-5-96; published 5-6-96
- Class E airspace; comments due by 7-1-96; published 5-20-96
- TRANSPORTATION DEPARTMENT**
- National Highway Traffic Safety Administration**
- Motor vehicle safety standards:
Hydraulic brake systems--
Light vehicle brake systems; comments due by 7-1-96; published 5-2-96
- TRANSPORTATION DEPARTMENT**
- Research and Special Programs Administration**
- Pipeline safety:

Program procedures,
reporting requirements,
gas pipeline standards,
and liquefied natural gas
facilities standards;
Federal regulatory reform;
comments due by 7-3-96;
published 6-3-96

TREASURY DEPARTMENT**Fiscal Service**

Marketable book-entry
Treasury bills, notes, and
bonds; sale and issue;
uniform offering circular;
amendments; comments due
by 7-3-96; published 6-19-
96

TREASURY DEPARTMENT**Internal Revenue Service**

Income taxes and employment
taxes and collection of
income taxes at source:
Temporary employment;
information reporting and
backup withholding;
hearing; comments due
by 7-3-96; published 5-8-
96